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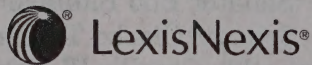
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EDUCATION

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GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.

SUBCHAPTER.

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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-50-101. Contracts with private organizations.
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SECTION.

- 6-50-104. Marketing and services provided outside of service areas.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-50-101. Contracts with private organizations.

The Director of the Division of Career and Technical Education is hereby authorized to enter into contracts with private organizations licensed by the State Board of Education in order to provide vocational-technical training to citizens of the State of Arkansas.

History. Acts 1989 (1st Ex. Sess.), No. 127, § 27; 1999, No. 1323, § 28; 2019, No. 910, § 1848.

Amendments. The 2019 amendment substituted "Director of the Division of

Career and Technical Education" for "Director of the Department of Career Education" and "State Board of Education" for "State Board of Career Education".

6-50-103. Participation in vocational student organizations.

(a)(1) The Division of Career and Technical Education may reimburse secondary vocational centers and other public schools in Arkansas for dues, membership fees, supplies, travel, lodging, and other expenses related to a student's participation in vocational student organizations.

(2) The amount allowed pursuant to this section shall be thirty-five dollars (\$35.00) per student as documented by national and state membership records.

(3) The division may disburse funds after the final cut-off date for membership enrollments.

(b) The division shall promulgate rules necessary for the implementation of this section.

(c) The provisions of this section shall be contingent on the appropriation and funding necessary to allow the division to carry out the duties assigned to it in this section.

History. Acts 1999, No. 1159, § 1; substituted "Division of Career and Technical Education" for "Department of Career Education" in (a)(1).
2019, No. 910, § 1849.

Amendments. The 2019 amendment

6-50-104. Marketing and services provided outside of service areas.

This title of the Arkansas Code and corresponding rules promulgated under this title shall not limit the ability of a state-supported two-year institution of higher education to market, offer courses, or provide services to any individual who resides in this state, regardless of the service area, as defined in § 6-53-103, within which the individual resides.

History. Acts 2019, No. 944, § 1.

SUBCHAPTER 2 — TECHNICAL CAREERS STUDENT LOAN FORGIVENESS PROGRAM

SECTION.

6-50-201 — 6-50-208. [Repealed.]

6-50-201 — 6-50-208. [Repealed.]

A.C.R.C. Notes. The repeal of this subchapter by Acts 2019, No. 237, § 1, superseded the amendment of § 6-50-201 by Acts 2019, No. 910, § 1850. The amendment by Acts 2019, No. 910 substituted "State Board of Education" for "State Board of Career Education" and "Division of Career and Technical Education" for "Department of Career Education" in (a).

The repeal of this subchapter by Acts 2019, No. 237, § 1, superseded the amendment of § 6-50-203 by Acts 2019, No. 315, § 336, and Acts 2019, No. 910, § 1851. The amendment by Acts 2019, No. 315 deleted "and regulations" following "rules" in (1). The amendment by Acts 2019, No. 910 substituted "State Board of Education" for "State Board of Career Education" and "Division of Career and Technical Education" for "Department of Career Education" in the introductory language.

The repeal of this subchapter by Acts

2019, No. 237, § 1, superseded the amendment of § 6-50-204 by Acts 2019, No. 910, § 1852. The amendment by Acts 2019, No. 910 substituted "State Board of Education" for "Career Education and Workforce Development Board" and "Division of Higher Education" for "Department of Higher Education".

The repeal of this subchapter by Acts 2019, No. 237, § 1, superseded the amendment of § 6-50-205 by Acts 2019, No. 910, § 1853. The amendment by Acts 2019, No. 910 substituted "State Board of Education" for "State Board of Career Education," "Division of Higher Education" for "Department of Higher Education," and "Division of Workforce Services" for "Department of Workforce Services" in (a).

The repeal of this subchapter by Acts 2019, No. 237, § 1, superseded the amendment of § 6-50-206 by Acts 2019, No. 315, § 337. The amendment by Acts 2019, No.

315 deleted “and regulations” following “rules” in (a)(3).

The repeal of this subchapter by Acts 2019, No. 237, § 1, superseded the amendment of § 6-50-207 by Acts 2019, No. 315, §§ 338, 339, and Acts 2019, No. 910, § 1854. The amendment by Acts 2019, No. 315 deleted “and regulations” following “rules” in (b)(1) and (c). The amendment by Acts 2019, No. 910 substituted “Division of Higher Education” for “Department of Higher Education” and “State Board of Education” for “State Board of Career Education” in (c).

Publisher’s Notes. This subchapter, concerning the Technical Careers Student Loan Forgiveness Program, was repealed by Acts 2019, No. 237, § 1, effective July 24, 2019. The subchapter was derived from the following sources:

6-50-201. Acts 1999, No. 652, § 1; 2019, No. 910, § 1850.

6-50-202. Acts 1999, No. 652, § 2.

6-50-203. Acts 1999, No. 652, § 3; 2019, No. 315, § 336; 2019, No. 910, § 1851.

6-50-204. Acts 1999, No. 652, § 4; 2003, No. 1160, § 1; 2017, No. 565, § 3; 2019, No. 910, § 1852.

6-50-205. Acts 1999, No. 652, § 5; 2019, No. 910, § 1853.

6-50-206. Acts 1999, No. 652, § 6; 2003, No. 1160, § 2; 2019, No. 315, § 337.

6-50-207. Acts 1999, No. 652, § 7; 2005, No. 1232, § 10; 2019, No. 315, §§ 338, 339; 2019, No. 910, § 1854.

6-50-208. Acts 1999, No. 652, § 8.

Former subchapter 2, concerning the Technical Education Review Commission, was repealed by Acts 1989, No. 536, § 9. The subchapter was derived from the following sources:

6-50-201. Acts 1983, No. 447, § 7; A.S.A. 1947, § 80-5707.

6-50-202. Acts 1983, No. 447, § 1; A.S.A. 1947, § 80-5701.

6-50-203. Acts 1983, No. 447, § 2; A.S.A. 1947, § 80-5702.

6-50-204. Acts 1983, No. 447, § 3; A.S.A. 1947, § 80-5703.

6-50-205. Acts 1983, No. 447, § 4; A.S.A. 1947, § 80-5704.

6-50-206. Acts 1983, No. 447, § 5; A.S.A. 1947, § 80-5705.

6-50-207. Acts 1983, No. 447, § 6; A.S.A. 1947, § 80-5706.

SUBCHAPTER 5 — WORK-BASED LEARNING ACT

SECTION.

6-50-503. Establishment of programs.

6-50-504. [Repealed.]

SECTION.

6-50-505. Waiver of rules — Articulation agreements — Duties.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-50-503. Establishment of programs.

(a) The Division of Career and Technical Education is hereby authorized and directed to develop and implement work-based learning

programs to provide additional educational and training opportunities for Arkansas high school students.

(b) The programs established under this section shall be based on the following fundamental principles:

- (1) Providing strong employer commitment and involvement;
- (2) Guiding high school students through a three-year or four-year process that connects high school and the first one (1) or two (2) years of postsecondary learning;
- (3) Providing high-quality supervised learning opportunities for students at the work site;
- (4) Integrating academic and vocational teaching and learning in the classroom and at work;
- (5) Fostering interactive, team-based learning in the classroom;
- (6) Including curriculum on all aspects of the industry;
- (7) Using competency-based measures for evaluating student progress;
- (8) Providing both academic and occupational credentials;
- (9) Providing access and support to nontraditional groups; and
- (10) Explicitly addressing issues regarding diversity in society and the workplace.

(c)(1) The industries and occupations selected for the programs established under this section shall offer entry-level jobs with good opportunities for career advancement into high-skill, high-wage jobs.

(2) The division, the Arkansas Apprenticeship Coordination Steering Committee, the Office of Skills Development, and local sites shall take joint responsibility for identifying the industries and occupations selected in subdivision (c)(1) of this section.

(3) The Office of Skills Development is responsible for identifying apprenticeship programs that are currently in place.

History. Acts 1991, No. 546, § 1; 1991, No. 553, § 1; 2019, No. 369, § 1; 2019, No. 910, § 1855; 2021, No. 647, § 1.

Amendments. The 2019 amendment by No. 369, in (a), substituted “work-based learning programs” for “a youth apprenticeship/work-based learning program”, and deleted “noncollege-bound” preceding “Arkansas high school”; substituted “programs established under this section shall” for “program should” in the introductory language of (b); added “Providing” in (b)(1); rewrote (b)(2); substituted “regarding” for “presented by” in (b)(10); substituted “the programs established under this section shall” for “this program must” in (c)(1); in (c)(2), substituted “shall” for “will”, and added “selected in subdivision

(c)(1) of this section”; substituted “is responsible” for “will take responsibility” in (c)(3); and made stylistic changes.

The 2019 amendment by No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (a).

The 2021 amendment, in (c)(2), substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee”, and inserted “the Office of Skills Development”; and, in (c)(3), substituted “Office of Skills Development” for “State Apprenticeship Coordination Steering Committee”, and deleted “traditional” preceding “apprenticeship”.

6-50-504. [Repealed.]

A.C.R.C. Notes. The repeal of this section by Acts 2019, No. 369, § 2 superseded the amendment of this section by Acts 2019, No. 910, § 1856. The amendment by Acts 2019, No. 910 substituted "Division of Career and Technical Education" for "Department of Career Education" in (a).

Publisher's Notes. This section, con-

cerning demonstration programs, was repealed by Acts 2019, No. 369, § 2, effective July 24, 2019. The section was derived from Acts 1991, No. 546, § 1; 1991, No. 553, § 1; 1991, No. 1244, § 28; 1991, No. 1246, § 3; 1999, No. 1323, § 30; 2019, No. 910, § 1856.

6-50-505. Waiver of rules — Articulation agreements — Duties.

(a) The State Board of Education may provide waivers of rules adopted by the Division of Career and Technical Education when waivers are necessary to accomplish the purposes of this subchapter so long as the waivers will not weaken the quality of the educational opportunities provided.

(b)(1) The division also shall take the lead role in seeking the establishment of articulation agreements between high schools, technical institutes or vocational-technical schools, and institutions of higher education, with a goal of eliminating barriers to lifelong learning.

(2) The resulting articulation agreements will need to be approved by the appropriate local and state boards of the participating school districts, postsecondary technical institutes or vocational-technical schools, and institutions of higher education.

(c) The state board is authorized to promulgate rules for the implementation of the program established by this subchapter.

History. Acts 1991, No. 546, § 1; 1991, No. 553, § 1; 1999, No. 1323, § 31; 2019, No. 315, §§ 340, 341; 2021, No. 467, § 3; 2021, No. 545, § 8.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (a); and deleted "and regulations" following "rules" in (c).

The 2021 amendment by No. 467, in (a), substituted "State Board of Education" for

"State Board of Career Education" and "Division of Career and Technical Education" for "Department of Career Education".

The 2021 amendment by No. 545 substituted "State Board of Education" for "Career Education and Workforce Development Board" in (a).

SUBCHAPTER 7 — ARKANSAS EXISTING WORKFORCE TRAINING ACT OF 1995**SECTION.**

6-50-702. Definitions.

6-50-703. Arkansas Existing Workforce Training Program — Creation — Purpose.

SECTION.

6-50-704. Rules for program.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause

provided: "It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Effi-

ciencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-50-702. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Basic skills training" means those math, reading, English, listening, oral and written communication, and computer literacy skills that a person can reasonably be expected to have attained by the end of the twelfth grade except in the instance of potential new workforce training;

(2) "Classroom training" means instructor-led training that is provided outside the process of the production of goods or the delivery of a service;

(3)(A) "Consortium" means a group of companies that includes at least three (3) eligible companies as defined in subdivision (4) of this section and which for fiscal purposes is either a private, not-for-profit corporation or an organized group that has a coordinating board or committee and a mission statement, that has or is in the process of developing bylaws, and that is establishing a bank account requiring at least two (2) consortium members' signatures.

(B) Consortia may have members that are not eligible companies so long as at least three (3) of the consortium member companies are eligible companies.

(C) Fifty percent (50%) of the eligible participants completing each course must be employees of eligible companies;

(4)(A) "Eligible company" means an entity currently operating in the state that has filed a corporate income tax return for the year prior to the year in which the application was submitted and is classified in one (1) of the following ways:

(i) Manufacturers classified in sectors 31-33 under the North American Industry Classification System as it existed on January 1, 2007;

(ii) Manufacturers classified in sectors 20-39 according to the Standard Industry Classification standards as they existed on January 1, 2007, but which are classified in another sector under the North American Industry Classification System as it existed on January 1, 2007;

(iii)(a) Businesses primarily engaged in the design and development of prepackaged software, digital content production and pres-

ervation, computer processing and data preparation services, or information retrieval services.

(b) All businesses under subdivision (4)(A)(iii)(a) of this section shall derive at least seventy-five percent (75%) of their sales revenue from out of state;

(iv)(a) Businesses primarily engaged in motion picture productions.

(b) All businesses under subdivision (4)(A)(iv)(a) of this section shall derive at least seventy-five percent (75%) of their sales revenue from out of state;

(v) An intermodal facility or distribution center, if seventy-five percent (75%) of its sales revenue is from out of state;

(vi) An office sector business, if seventy-five percent (75%) of its sales revenue is from out of state;

(vii) Firms primarily engaged in commercial, physical, and biological research as classified under the North American Industry Classification System code 541710 as it existed on January 1, 2003;

(viii) A national or regional corporate headquarters as classified under North American Industry Classification System code 551114 as it existed on January 1, 2003, if the national or regional headquarters serves more than one (1) state;

(ix)(a) A scientific and technical services business.

(b)(1) All businesses under subdivision (4)(A)(ix)(a) of this section shall derive at least seventy-five percent (75%) of their sales revenue from out of state.

(2)(A) The average hourly wages paid by businesses in this group shall not exceed one hundred fifty percent (150%) of the county average hourly wage or the state average hourly wage, whichever is less.

(B) The average hourly wage threshold determined at the signing of the financial incentive agreement shall be the threshold for the term of the agreement;

(x)(a) All building trade industries classified under North American Industry Classification System codes 236 and 238 as they existed on January 1, 2003.

(b) A business classified under North American Industry Classification System code 23899 shall not qualify as a building trade industry; and

(xi) Air transport businesses primarily engaged in aircraft maintenance, repair services, and aircraft testing as classified under North American Industry Classification System code 488190 as it existed on January 1, 2007.

(B) The Director of the Arkansas Economic Development Commission may classify a nonretail business as an eligible company if:

(i) The business receives at least seventy-five percent (75%) of its sales revenue from out of state; and

(ii) The business proposes to pay wages in excess of one hundred ten percent (110%) of the county average hourly wage or state average hourly wage, whichever is less;

(5) “Eligible recipient” means a full-time permanent employee of an Arkansas company or consortium who is subject to the Arkansas personal income tax;

(6) “Governing council” means the Director of the Arkansas Economic Development Commission, the Director of the Division of Higher Education, and the Director of the Office of Skills Development, or their designees;

(7) “Internal training” means classroom training provided to company employees by company trainers who may be either full-time employees of the company or consultants paid by the company;

(8) “Potential new workforce” means two (2) or more eligible companies with common job skill requirements requiring a minimum of fifteen (15) new employees and conducting a minimum of fifteen (15) hours of preemployment training, thereby allowing prospective employees and employers an opportunity to evaluate one another before making employment commitments; and

(9)(A) “State-supported educational institution” means a secondary or postsecondary Arkansas educational institution that receives the majority of its funding from state or local tax revenues.

(B) However, for purposes of this subchapter, Texarkana College may be considered a state-supported educational institution for the purpose of delivering training services to eligible companies located in Miller County, if Texarkana College continues to waive out-of-state tuition for residents of Arkansas.

History. Acts 1995, No. 791, § 2; 1997, No. 540, § 7; 1999, No. 1134, § 1; 2003, No. 609, § 1; 2007, No. 1003, § 1; 2019, No. 910, § 143.

Amendments. The 2019 amendment, in (6), substituted “Director of the Arkansas Economic Development Commission,

the Director of the Division of Higher Education, and the Director of the Office of Skills Development” for “directors of the Arkansas Economic Development Commission, the Department of Higher Education, and the Department of Career Education”.

6-50-703. Arkansas Existing Workforce Training Program — Creation — Purpose.

(a) There is created the Arkansas Existing Workforce Training Program, to be administered by a governing council composed of equal representation from the Division of Higher Education, the Office of Skills Development, and the Arkansas Economic Development Commission.

(b) The primary purpose of the program shall be to provide financial assistance to Arkansas business and industry for upgrading the knowledge and skills of the existing workforce or a potential new workforce and to increase the capacity of state-supported educational institutions to supply the ongoing training needs of Arkansas companies.

(c)(1)(A) When an eligible company uses a state-supported educational institution to provide its classroom training, financial support can be either in the form of a direct grant or in the form of an income tax credit.

(B) Companies that elect to receive a grant cannot claim a tax credit for the same purpose.

(2) When an eligible company is conducting internal training using company trainers or consultants, financial support can be only in the form of an income tax credit.

(3) When an eligible consortium uses a state-supported educational institution to provide its classroom training, financial support can be only in the form of a grant.

History. Acts 1995, No. 791, § 3; 1997, No. 540, § 8; 1999, No. 1134, § 2; 2007, No. 1003, § 2; 2019, No. 910, § 1857; 2021, No. 467, § 4; 2021, No. 545, § 9; 2021, No. 647, § 2.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" and "Division of Career and Technical Education" for "Department of Career Education" in (a).

The 2021 amendment by No. 467, in (a), deleted "hereby" preceding "created" and

substituted "Office of Skills Development" for "Division of Career and Technical Education".

The 2021 amendment by No. 545 substituted "Office of Skills Development" for "Division of Career and Technical Education" in (a).

The 2021 amendment by No. 647 substituted "Office of Skills Development" for "Division of Career and Technical Education" in (a); and made a stylistic change.

6-50-704. Rules for program.

(a) The Arkansas Economic Development Commission shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for implementation of this subchapter by the commission.

(b) Rules shall include, but not be limited to, the following:

(1) Training shall be conducted for the purpose of meeting specific business goals and performance objectives;

(2) As part of the application process, a company or consortium shall be responsible for determining that participants involved in the training program possess the appropriate prerequisite literacy skills;

(3)(A) The amount of financial support a company or consortium receives shall be determined and approved by the commission and set forth in writing prior to any funds' being committed and distributed or prior to any tax credits' being approved.

(B) For companies or consortia that use state-supported educational institutions to deliver classroom training to their employees, the amount of support shall be the lesser of:

(i) One-half ($\frac{1}{2}$) of the amount paid by the company to the state-supported educational institution for the training;

(ii)(a) The instructional hour rate established by the governing council, not to exceed one hundred dollars (\$100) per instructional hour, times the number of instructional hours delivered with fifty percent (50%) or more of the eligible participants completing the course.

(b) For companies that use company employees or company-paid consultants to deliver classroom training to their employees, the

amount of the tax credit shall not be more than twenty-five dollars (\$25.00) per instructional hour.

(c)(1) The minimum class size needed to receive full benefits is five (5) trainees.

(2) For classes smaller than five (5), the amount of support will be reduced proportionally;

(iii) The instructional hour rate established by the governing council, not to exceed thirty-five dollars (\$35.00) per instructional hour, times the number of instructional hours for safety-related training; or

(iv) The instructional hour rate established by the governing council, not to exceed thirty-five dollars (\$35.00) per instructional hour, times the number of instructional hours for all courses with less than fifty percent (50%) of the eligible participants completing each course;

(4) Training delivered by means other than traditional classroom training may be considered by the governing council. For approved training delivered by means other than traditional classroom training, a flat rate of reimbursement will be established by the governing council;

(5) Applications for tax credits afforded by this subchapter shall be available on and after January 1, 2000;

(6) The maximum amount of total tax credits allowed by the commission pursuant to this subchapter shall not exceed four hundred fifty thousand dollars (\$450,000) per year;

(7) Neither grant funds nor tax credits shall be used to support any training, including remedial basic skills training, that is authorized under any other state or federal program; and

(8) Neither grant funds nor tax credits shall be used to support any training that is mandated by any state law, state rule, federal law, or federal regulation.

History. Acts 1995, No. 791, § 4; 1997, No. 540, § 9; 1999, No. 1134, § 3; 2003, No. 609, § 2; 2007, No. 1003, § 3; 2013, No. 755, § 1; 2019, No. 315, § 342.

Amendments. The 2019 amendment substituted “state law, state rule, federal law, or federal regulation” for “state or federal law or regulation” in (b)(8).

SUBCHAPTER 8 — WORKFORCE DEVELOPMENT CENTER AUTHORITY ACT

SECTION.

6-50-801. Title.

6-50-802. Purpose — Construction.

6-50-803. Definitions.

6-50-804. Workforce development center authority — Creation — Public corporation — Immunity.

6-50-805. Board of directors.

SECTION.

6-50-806. Powers generally.

6-50-807. Financing generally — Exemption from taxation or assessment.

6-50-808. Bonds — Sale.

6-50-809. Accounts — Report — Audit.

6-50-810. Dissolution.

6-50-801. Title.

This subchapter shall be known and may be cited as the “Workforce Development Center Authority Act”.

History. Acts 2017, No. 509, § 1.

6-50-802. Purpose — Construction.

(a) It is the purpose of this subchapter to:

(1) Enhance the availability, accessibility, responsiveness, and quality of vocational and technical education in this state;

(2) Assist cities and counties in upgrading the knowledge and skills of their existing workforce or potential new workforce;

(3) Encourage and facilitate cooperation between cities, counties, school districts, and vocational-technical schools; and

(4) Develop new funding sources for vocational and technical education.

(b) This subchapter shall be liberally construed to accomplish its intent and purposes and shall be the sole authority required for the accomplishment of its purpose.

History. Acts 2017, No. 509, § 1.

6-50-803. Definitions.

As used in this subchapter:

(1) “Area of operation” means, for a workforce development center authority, the area within the combined geographical boundaries of every school district, city, and county that is a sponsor of a workforce development center authority;

(2) “Sponsor” means a school district, city, county, or vocational-technical school that is a sponsor of a workforce development center authority;

(3) “Vocational-technical school” means:

(A) A publicly supported vocational-technical school under § 6-51-202;

(B) A publicly supported technical institute under § 6-51-217; or

(C) A two-year or four-year state-supported institution of higher education that operates or has been approved to operate a secondary vocational center as of January 1, 2017;

(4) “Workforce development center” means a public education facility established by a workforce development center authority for any purpose of this subchapter; and

(5) “Workforce development center authority” means a public educational institution created under this subchapter to operate one (1) or more workforce development centers and to further the purposes of this subchapter.

History. Acts 2017, No. 509, § 1.

6-50-804. Workforce development center authority — Creation — Public corporation — Immunity.

(a)(1) Four (4) or more sponsors listed under subdivision (a)(2) of this section may create a workforce development center authority.

(2) A workforce development center authority's four (4) or more sponsors:

(A) Shall include:

(i) One (1) or more school districts; and

(ii) One (1) or more vocational-technical schools; and

(B) May include one (1) or more cities or counties.

(b)(1) A county or city shall not sponsor a workforce development center authority unless the governing body of the county or city provides by ordinance to sponsor the workforce development center authority.

(2) A school district or vocational-technical school shall not sponsor a workforce development center authority unless the governing body of the school district or vocational-technical school provides by resolution to sponsor the workforce development center authority.

(c)(1) The sponsors of a workforce development center authority shall enter into an agreement establishing the terms and conditions for operation of the workforce development center authority.

(2) To the extent consistent with this subchapter, the agreement shall specify the information provided for in § 25-20-104(c) of the Interlocal Cooperation Act, § 25-20-101 et seq.

(3) The agreement shall be filed with the Secretary of State.

(d) By action of the board of directors of the workforce development center authority, a workforce development center authority established under this subchapter may add one (1) or more sponsors to the creating sponsors under subsection (a) of this section.

(e)(1) Each workforce development center authority and its sponsors:

(A) Shall constitute a public corporation;

(B) Shall have perpetual succession;

(C) May contract and be contracted with;

(D) May sue and be sued; and

(E) May have and use a common seal.

(2) The exercise of the powers and performance of duties provided for in this subchapter by each workforce development center authority and its officers, agents, and employees are declared to be public and governmental functions, exercised for a public purpose and matters of public necessity, conferring upon each workforce development center authority governmental immunity from suit in tort.

History. Acts 2017, No. 509, § 1.

6-50-805. Board of directors.

(a) The management and control of each workforce development center authority and its property, operations, business, and affairs shall be lodged in a board of directors of not less than five (5) members.

(b)(1) The membership of the board of directors shall include:

(A) The superintendent of each sponsoring school district, or his or her designee; and

(B) The president or executive director of each sponsoring vocational-technical school, or his or her designee.

(2) The membership of the board of directors may include, as determined by the agreement establishing the terms and conditions for the operation of the workforce development center authority, one (1) or more of the following:

(A) The county judge of one (1) or more sponsoring counties, or his or her designee;

(B) The mayor of one (1) or more sponsoring cities, or his or her designee; and

(C)(i) One (1) or more individuals appointed by the board of directors of one (1) or more sponsoring school districts.

(ii) The agreement establishing the terms and conditions for the operation of the workforce development center authority may define the term lengths, qualifications, and process for filling vacancies for individuals appointed by a school district board of directors.

(c) The board of directors shall elect a chair and other officers as determined by the board of directors.

(d) The members of the board of directors shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

History. Acts 2017, No. 509, § 1.

6-50-806. Powers generally.

The board of directors of a workforce development center authority created under this subchapter may:

(1) Make and adopt all necessary bylaws for its organization and operation;

(2) Elect officers and employ personnel necessary for its operation;

(3) Delegate any authority given to it by law to any of its officers, committees, agents, or employees;

(4)(A) Enter into contracts and agreements necessary or incidental to its powers and duties under this subchapter.

(B) A workforce development center authority's power to contract includes without limitation the power to contract with one (1) or more of its sponsors for the provision of services or programs to advance any purpose of this subchapter;

(5) Apply for, receive, and spend grants for any purpose of this subchapter;

(6) Acquire lands and hold title to the lands acquired in its own name;

(7) Acquire, own, lease, use, sell, encumber, and dispose of property in the exercise of its powers and the performance of its duties under this subchapter;

(8) Borrow money on a secured or unsecured basis, and in connection therewith issue bonds, promissory notes, or other evidence of indebtedness, and make and deliver indentures, mortgages, pledges, security agreements, financing statements, and other instruments encumbering assets of the workforce development center authority;

(9) Acquire, equip, construct, maintain, and operate one (1) or more workforce development centers and appurtenant facilities or properties;

(10) Promote, advertise, and publicize the workforce development center authority and its workforce development centers; and

(11) Do all things necessary or appropriate to carry out the powers and duties expressly granted or imposed under this subchapter.

History. Acts 2017, No. 509, § 1.

6-50-807. Financing generally — Exemption from taxation or assessment.

(a) A workforce development center authority may request, receive, and be financed or supported by any revenue, grants, or funds allowed by law, including without limitation:

(1) Funds provided by counties, cities, school districts, and vocational-technical schools;

(2) Property or funds received by gift or donation;

(3) Grants;

(4) Proceeds from the sale or issuance of bonds, promissory notes, or other evidence of indebtedness;

(5) Tuition, fees, and other charges assessed on individuals or employers receiving services from a workforce development center authority;

(6) Other state funding that is appropriated;

(7) Other funds or loans from a state or federal agency;

(8) If requested and adopted, revenue from the levy by a sponsoring county of a sales tax or sales and use tax under § 26-74-201 et seq., § 26-74-301 et seq., and § 26-74-401 et seq. for the benefit of the workforce development center authority;

(9) If requested and adopted, revenue from the levy by a sponsoring city of a sales tax or sales and use tax under § 26-75-201 et seq. and § 26-75-301 et seq. for the benefit of the workforce development center authority;

(10)(A) If authorized by law, requested, and adopted, revenue from the levy of an additional sales and use tax for the benefit of an authority by a county or city not to exceed five-tenths of one percent (0.5%).

(B) A sales and use tax levied as described in this subdivision (a)(10) is in addition to any taxes levied under subdivisions (a)(8) and (9) of this section;

(11) If requested and adopted, revenue from the levy by a sponsoring school district of an additional ad valorem property tax under § 26-80-102 to secure the enrollment of a minimum number of the school district's students in a workforce development center operated by the workforce development center authority; and

(12) If authorized by law, requested, and adopted, revenue from the levy by a sponsoring city or county of an additional ad valorem property tax for the benefit of the workforce development center authority.

(b) Taxes imposed under subdivisions (a)(8)-(12) of this section shall be approved by voters pursuant to all applicable election laws.

(c)(1)(A) Counties, pursuant to an ordinance properly and lawfully adopted by their quorum courts, may annually grant financial aid to any workforce development center authority operating within their borders for the purpose of assisting the workforce development center authority in paying its lawful expenses of operation.

(B) The ordinance shall be effective for a period of twelve (12) months.

(2)(A) Incorporated towns and cities of the first or second class, pursuant to an ordinance properly and lawfully adopted by their governing bodies, may annually grant financial aid to any workforce development center authority operating within their borders for the purpose of assisting the workforce development center authority in paying its lawful expenses of operation.

(B) The ordinance shall be effective for a period of twelve (12) months.

(3)(A) School districts, pursuant to a resolution properly and lawfully adopted by their governing bodies, may appropriate funds to any workforce development center authority operating within their borders for the purpose of securing the enrollment of a minimum number of the school district's students in a workforce development center operated by the workforce development center authority.

(B) Funds appropriated by a school district to a workforce development center authority under this subdivision (c)(3), and any ad valorem property tax revenue pledged by a school district under subdivision (a)(11) of this section, are maintenance and operation expenses under § 26-80-102 and Arkansas Constitution, Article 14, § 3.

(d) A county, city, or vocational-technical school located within the area of operation of a workforce development center authority may:

(1) Contribute funds for the benefit of the workforce development center authority, including without limitation funds for the cost of acquiring, constructing, equipping, maintaining, and operating workforce development centers operated by the workforce development center authority;

(2) Pledge tax revenue for the benefit of the workforce development center authority as allowed by law; and

(3) Transfer and convey property to the workforce development center authority for any purpose of this subchapter.

(e)(1) A workforce development center authority is exempt from ad valorem property taxation or assessments on property acquired or used by the workforce development center authority for any purpose of this subchapter.

(2) Income from the operation of the authority shall be exempt from state income tax.

History. Acts 2017, No. 509, § 1.

Cross References. Dedication of sales and use tax to school district, § 26-73-114.

6-50-808. Bonds — Sale.

(a) A workforce development center authority may issue bonds for:

(1) The cost of acquiring, constructing, equipping, maintaining, and operating one (1) or more workforce development centers operated by the workforce development center authority within its area of operation;

(2) The cost of issuing the bonds;

(3) Any outstanding indebtedness of the workforce development center authority, including without limitation interest on the bonds; and

(4) Refunding any obligations issued under this subchapter.

(b) Bonds issued under this subchapter:

(1) Including any income from the bonds, or any profit made on the sale or transfer of the bonds, are exempt from taxation in this state;

(2) Shall be authorized by the board of directors of a workforce development center authority through a resolution containing any terms, covenants, and conditions that the board of directors deems to be reasonable and desirable;

(3) Shall have all of the qualities of and shall be deemed to be negotiable instruments under the laws of the State of Arkansas; and

(4) May be sold in such a manner, either at public or private sale, and upon such terms as the board of directors of a workforce development center authority shall determine to be reasonable and expedient for effectuating the purposes of this subchapter.

(c) Bonds, promissory notes, or other evidence of indebtedness issued under this subchapter:

(1) Are not backed by the full faith and credit of the State of Arkansas or the sponsors of the workforce development center authority; and

(2) Shall not in any event constitute an indebtedness of, nor pledge the faith and credit of, the State of Arkansas or a sponsor of the workforce development center authority within the meaning of any constitutional provisions or limitations.

History. Acts 2017, No. 509, § 1.

6-50-809. Accounts — Report — Audit.

(a)(1) The board of directors of a workforce development center authority:

(A) Shall deposit the funds received by the workforce development center authority into bank accounts as determined by the board of directors; and

(B) May withdraw funds from the bank accounts as determined by the board of directors.

(2)(A) Each workforce development center authority shall:

(i) Keep strict account of all of its receipts and expenditures; and

(ii) Make a report each quarter to the governing bodies of each sponsor.

(B) The report shall contain an itemized account of the workforce development center authority's receipts and disbursements during the preceding quarter.

(C) The report shall be made within sixty (60) days after the end of the quarter.

(b)(1)(A)(i) Within sixty (60) days after the end of each fiscal year, each workforce development center authority shall cause an annual audit to be made by an independent certified public accountant.

(ii) Each workforce development center authority shall file a copy of the resulting audit report with the governing bodies of each sponsor.

(B) The audit shall contain an itemized statement of the workforce development center authority's receipts and disbursements for the preceding year.

(2) The books, records, and accounts of each workforce development center authority shall be subject to audit and examination by any proper public official or body in the manner provided by law.

History. Acts 2017, No. 509, § 1.

6-50-810. Dissolution.

(a) If a workforce development center authority does not have any outstanding indebtedness, the board of directors of a workforce development center authority may adopt a resolution, which shall be entered in its minutes, declaring that the workforce development center authority shall be dissolved.

(b) The resolution dissolving the workforce development center authority shall provide for allocation of the workforce development center authority's remaining assets among the sponsors as of the date of dissolution.

(c) Upon the filing for record of a certified copy of the resolution with the Secretary of State, the workforce development center authority is dissolved.

History. Acts 2017, No. 509, § 1.

CHAPTER 51

VOCATIONAL AND TECHNICAL SCHOOLS

SUBCHAPTER.

2. ESTABLISHMENT AND ADMINISTRATION GENERALLY.
3. MULTIDISTRICT VOCATIONAL CENTERS.
4. PLUMBING PROGRAM. [REPEALED.]
5. HOUSING CONSTRUCTION PROGRAM. [REPEALED.]
6. PRIVATE RESIDENT AND CORRESPONDENCE SCHOOLS.
7. ASSOCIATE OF APPLIED SCIENCE DEGREE IN NURSING PROGRAM.
8. COMMUNITY-BASED EDUCATION CENTERS.
9. POSTSECONDARY VOCATIONAL AND TECHNICAL EDUCATION.
11. PROCEDURES TO FOLLOW UPON MERGER OF CROWLEY'S RIDGE TECHNICAL INSTITUTE TO EAST ARKANSAS COMMUNITY COLLEGE.

A.C.R.C. Notes. Acts 2021, No. 497, § 1, provided: "The Riverside Vocational and Technical School is reorganized into the Corrections School System."

Acts 2021, No. 497, § 2, provided: "Legislative intent. It is the intent of the General Assembly to:

"(1) Expand the ability of the correctional school district to provide remediation instruction to persons with a high school diploma or general equivalency degree;

"(2) Align career and technical education for incarcerated persons with industry needs;

"(3) Recognize the importance of coordination with the Division of Career and Technical Education and the Office of Skills Development, thereby ensuring that every student in the state is truly prepared for the twenty-first-century workforce; and

"(4) Increase resources for instruction and instructional support through the elimination of duplicative operational structures."

SUBCHAPTER 2 — ESTABLISHMENT AND ADMINISTRATION GENERALLY

SECTION.

- 6-51-201. Receipt and administration of federal funds.
- 6-51-202. Authority to establish schools.
- 6-51-203. Determining school location and establishing courses of instruction.
- 6-51-204. Public school or community branches — Special instruction.
- 6-51-205. Responsibility for school operation — Personnel and equipment.
- 6-51-207. Authority to accept gifts and donations.

SECTION.

- 6-51-208. Student fees.
- 6-51-209. Accident insurance for students.
- 6-51-210. Disposition of funds generally.
- 6-51-211. Acceptance of certain federal benefits promoting vocational education.
- 6-51-212. Custodian of certain funds — Disbursement.
- 6-51-213. Administration of certain federal and state vocational education laws.
- 6-51-214. Annual report and statement of finances.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-51-201. Receipt and administration of federal funds.

The Arkansas Higher Education Coordinating Board is designated as the agency of state government to receive and administer any and all federal funds made available to this state for the purpose of assisting the state or school districts in providing for the extension of vocational education of less than college grade in the field of vocational-technical and adult education for persons sixteen (16) years of age and over.

History. Acts 1957, No. 328, § 1; A.S.A. 1947, § 80-2557; Acts 2021, No. 545, § 10.

substituted "Arkansas Higher Education Coordinating Board" for "State Board of Career Education".

Amendments. The 2021 amendment

6-51-202. Authority to establish schools.

(a) The Arkansas Higher Education Coordinating Board is authorized to establish or designate one (1) or more area vocational-technical and adult education schools of less than college grade for the purpose of offering training in the various areas which may be prescribed by the United States Congress for persons sixteen (16) years of age or over.

(b) The location of the school or schools shall be determined by the board by formal resolution which shall be made a part of the minutes of the board, and a copy shall be filed with the Secretary of State.

(c)(1) In the event more than one (1) school is established, the location of the school or schools shall be in different congressional districts until a school has been established in each congressional district.

(2) The board may, without regard to the foregoing limitation, designate any area vocational-technical and adult education school for location on lands owned by any school district which, in its application made and filed with the board, proposes to construct and operate such a school.

(3) However, this authority would be applicable only if state funds for construction of area vocational-technical and adult education schools are not available.

(4) In the event the board designates an area school to be constructed and operated by a school district, the school district board of directors must provide operating funds from local sources, except that federal

funds which are now available or which may hereafter be provided by the United States Government may be used as operating funds.

History. Acts 1957, No. 328, § 3; 1964 substituted "Arkansas Higher Education (1st Ex. Sess.), No. 8, § 11; A.S.A. 1947, Coordinating Board" for "State Board of § 80-2559; Acts 2021, No. 545, § 11. Career Education" in (a).

Amendments. The 2021 amendment

6-51-203. Determining school location and establishing courses of instruction.

(a) In determining the location of technical institutes or vocational-technical schools and in establishing the courses of instruction to be offered in the schools, the State Board of Education shall give consideration to:

- (1) Trends in industrial development;
- (2) Concentration of population;
- (3) Concentration of industry;
- (4) Natural resources; and
- (5) Reasonable distance for people in all areas of the state.

(b)(1) The State Board of Education shall develop a course content syllabus for each course of instruction offered in a postsecondary technical institute or vocational-technical school. The course syllabus for each course of instruction shall specify the essential competencies to be taught in the course of instruction.

(2)(A) Each instructor employed in a postsecondary technical institute or vocational-technical school shall utilize the appropriate course syllabus in providing instruction to postsecondary vocational students.

(B) It shall be the responsibility of the director of each postsecondary technical institute or vocational-technical school to ensure that vocational-technical instructors utilize the course syllabi developed pursuant to the provisions of this section in offering instruction to postsecondary vocational-technical students.

(3) The course syllabi required to be developed pursuant to the provisions of this section shall be adopted by the State Board of Education not later than July 1, 1990, and shall be utilized in postsecondary technical institutes or vocational-technical schools in the school year beginning 1990-1991.

(c)(1) The State Board of Education and the Arkansas Higher Education Coordinating Board are hereby authorized to certify certain courses of instruction offered by postsecondary technical institutes or vocational-technical schools as being equivalent to comparable courses offered by public two-year or four-year institutions of higher education.

(2) Any course of instruction offered by postsecondary technical institutes or vocational-technical schools that is certified as equivalent to a comparable course of instruction offered by a two-year or four-year institution of higher education shall be transferable for credit to a public two-year or four-year institution of higher education.

(d) The Arkansas Higher Education Coordinating Board and the State Board of Education shall promulgate rules for implementation of the provisions of this section in accordance with the accreditation standards of the receiving institutions.

(e) Students who matriculate at institutions of higher education shall meet the same standards for college and university admission as are defined in § 6-61-110.

History. Acts 1957, No. 328, § 4; A.S.A. 1947, § 80-2560; Acts 1989, No. 848, § 1; 1999, No. 1323, § 32; 2019, No. 315, § 343.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (d).

6-51-204. Public school or community branches — Special instruction.

In addition to the authority of the Arkansas Higher Education Coordinating Board to establish area vocational-technical and adult education schools as authorized in §§ 6-51-201 — 6-51-203, § 6-51-205, § 6-51-207, § 6-51-208(a)-(c), § 6-51-209, and § 6-51-210, and laws amendatory thereto, the board is authorized, whenever funds are available, to establish branches of those area vocational-technical schools or to offer special vocational-technical instruction at public schools or in other facilities in communities in the area of the respective vocational-technical schools, as the board may determine is in the interest of the area and whenever sufficient demand may exist.

History. Acts 1967, No. 363, § 1; A.S.A. 1947, § 80-2560.1; Acts 2021, No. 545, § 12.

substituted "Arkansas Higher Education Coordinating Board" for "State Board of Career Education".

Amendments. The 2021 amendment

6-51-205. Responsibility for school operation — Personnel and equipment.

(a) The State Board of Education shall be responsible for the operation of the schools and shall have authority to purchase, lease, or construct buildings, land, equipment, machinery, and supplies necessary for the teaching of trade, vocational, or other federally aided adult courses of less than college grade.

(b) The state board is authorized to employ personnel, to set salaries which shall be comparable to those received by other similarly positioned personnel in the Division of Elementary and Secondary Education, and to negotiate leases or purchases with any and all agencies of the United States Government for the lease or purchase of suitable facilities, equipment, machinery, and supplies to be used for the purposes authorized by this section and §§ 6-51-201 — 6-51-203, § 6-51-207, § 6-51-208(a)-(c), § 6-51-209, and § 6-51-210.

(c) All laws governing the employment of personnel of the division, including such matters as leave rules and teacher retirement member-

ship, shall apply to employees of all vocational-technical and adult education schools.

History. Acts 1957, No. 328, § 5; A.S.A. 1947, § 80-2561; Acts 2019, No. 315, § 344; 2019, No. 910, § 1858.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (c).

The 2019 amendment by No. 910, in (b), substituted “Division of Elementary and

Secondary Education” for “Department of Education” and substituted “United States Government” for “government of the United States”; and made a stylistic change.

6-51-207. Authority to accept gifts and donations.

The Arkansas Higher Education Coordinating Board is granted authority to accept gifts, grants, donations, equipment and materials, and bequests of money and real and personal property for the purposes of this section and §§ 6-51-201 — 6-51-203, § 6-51-205, § 6-51-208(a)-(c), § 6-51-209, and § 6-51-210.

History. Acts 1957, No. 328, § 7; A.S.A. 1947, § 80-2563; Acts 2021, No. 545, § 13.

Amendments. The 2021 amendment

substituted “Arkansas Higher Education Coordinating Board” for “State Board of Career Education”.

6-51-208. Student fees.

(a) The State Board of Education may establish a reasonable system of charges as fees to be paid by students in the technical institutes or vocational-technical schools and adult education courses, with the system of charges to be established according to the type of course of instruction and the length thereof.

(b) The rate or fees to be paid by students shall be set by the state board, and all funds accruing in the fiscal year over and above the amount appropriated by the General Assembly from the fund shall be deposited into the State Treasury at the end of the fiscal year.

(c) Employees may not be paid from cash funds unless appropriated for this specific purpose by the General Assembly.

(d) No secondary student or school shall be made to pay a tuition charge as a condition of his or her enrollment in any vocational program funded by the Division of Elementary and Secondary Education while enrolled in a regular high school program.

(e) When any person sixty (60) years of age or older is admitted and enrolls as a student in any state area vocational-technical school, the state board or other appropriate institutional officials shall waive all the general student fee charges for each such student on a space-available basis in existing classes.

History. Acts 1957, No. 328, § 6; 1965, No. 450, § 1; 1977, No. 525, § 2; 1981, No. 732, § 6; A.S.A. 1947, §§ 80-1662, 80-2510.1, 80-2562; Acts 1999, No. 1323, § 34; 2019, No. 910, § 1859.

Amendments. The 2019 amendment substituted “Division of Elementary and Secondary Education” for “Department of Education” in (d).

6-51-209. Accident insurance for students.

(a) The State Board of Education is authorized to expend fees collected from students to provide accident insurance coverage to students.

(b) Such purchases shall follow regular state purchasing procedures and rules.

History. Acts 1957, No. 328, § 9; 1969, No. 174, § 1; A.S.A. 1947, § 80-2565; Acts 2019, No. 315, § 345.

Amendments. The 2019 amendment substituted “rules” for “regulations” in (b).

6-51-210. Disposition of funds generally.

All income of the Arkansas Higher Education Coordinating Board derived from student fees and from the sale of real or personal property or income from other sources as provided in this subchapter belonging to the board shall be deposited into the State Treasury for use by the board in developing a state vocational-technical and adult education program of less than college grade for persons sixteen (16) years of age and over.

History. Acts 1957, No. 328, § 9; 1969, No. 174, § 1; A.S.A. 1947, § 80-2565; Acts 2021, No. 545, § 14.

substituted “Arkansas Higher Education Coordinating Board” for “State Board of Career Education”.

Amendments. The 2021 amendment

6-51-211. Acceptance of certain federal benefits promoting vocational education.

(a) The State of Arkansas accepts the benefits of a federal act passed by the United States Congress entitled, “Carl D. Perkins Career and Technical Education Act of 2006”, as amended, and in effect January 1, 2021.

(b) The state agrees to observe and to comply with all the requirements of the federal act.

History. Acts 1931, No. 169, § 185; Pope’s Dig., § 11627; A.S.A. 1947, § 80-2512; Acts 2021, No. 1027, § 1.

Amendments. The 2021 amendment rewrote (a).

U.S. Code. The Carl D. Perkins Career and Technical Education Act of 2006, referred to in this section, is codified as 20 U.S.C. § 2301 et seq.

6-51-212. Custodian of certain funds — Disbursement.

(a) The Treasurer of State is designated and appointed custodian of all money received by the state from the appropriation made by the Act of the United States Congress referred to in § 6-51-211, and he or she is authorized to receive and to provide for the proper custody of the money and to make disbursements thereof in the manner provided in that federal act for the purposes therein specified.

(b) He or she shall also pay out any money appropriated by the State of Arkansas for the purpose of carrying out the provisions of this act upon the order of the Arkansas Higher Education Coordinating Board.

History. Acts 1931, No. 169, § 186; substituted "Arkansas Higher Education Pope's Dig., § 11628; A.S.A. 1947, § 80- Coordinating Board" for "State Board of 2513; Acts 2021, No. 545, § 15. Career Education" in (b).

Amendments. The 2021 amendment

6-51-213. Administration of certain federal and state vocational education laws.

(a) The State Board of Education is designated to:

(1) Carry into effect the provisions of the federal act and this act and have all necessary authority to cooperate with the United States Department of Education in the administration of the federal act;

(2) Administer any legislation pursuant thereto enacted by the General Assembly; and

(3) Administer the funds provided by the United States Government and by the State of Arkansas under the provisions of the respective acts for the promotion of vocational-technical education in agricultural subjects and in trade and industrial subjects, as well as in family and consumer science.

(b) The state board shall have the full authority to:

(1) Formulate plans for the promotion of vocational education in subjects that are an essential and integral part of the public school system of education in the State of Arkansas and provide for the preparation of teachers of those subjects;

(2) Fix the compensation of officials and assistants as may be necessary to administer the federal act and this act for the State of Arkansas;

(3) Make studies and investigations relating to vocational education in such subjects;

(4) Promote and aid in the establishment by local communities of schools, departments, or classes;

(5) Prescribe qualifications for the teachers, directors, and supervisors of subjects and provide for the certification of the teachers, directors, and supervisors;

(6) Cooperate in the maintenance of classes under its own direction and control; and

(7) Establish and determine by general rules the qualifications to be possessed by persons engaged in the training of vocational teachers.

(c)(1) The Director of the Division of Higher Education, by and with the advice and consent of the Arkansas Higher Education Coordinating Board, may designate assistants as may be necessary to carry out properly the provisions of this subchapter.

(2) The director shall also carry into effect rules as the board may require.

(3) The records of the director as far as they pertain to the provisions of this act shall be kept in his or her office.

History. Acts 1931, No. 169, §§ 187, 188; Pope's Dig., §§ 11629, 11630; A.S.A. 1947, §§ 80-2514, 80-2515; Acts 1999, No. 1323, § 35; 2005, No. 1962, § 14; 2019, No. 315, §§ 346, 347; 2019, No. 910, § 1860; 2021, No. 467, § 5; 2021, No. 545, § 16.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (b)(7); and deleted "and regulations" following "rules" in (c)(2).

The 2019 amendment by No. 910 substituted "Director of the Division of Career and Technical Education" for "Director of the Department of Career Education" in (c)(1).

The 2021 amendment by No. 467 substituted "State Board of Education" for "State Board of Career Education" in (a) in the introductory language.

The 2021 amendment by No. 545, in (c)(1), substituted "Director of the Division of Higher Education" for "Director of the Division of Career and Technical Education, as executive officer of the state board for the purpose of administering the federal act and this act, shall", substituted "Arkansas Higher Education Coordinating Board" for "state board", inserted "may" preceding "designate", and substituted "of this subchapter" for "hereof"; and deleted "state" preceding "board" in (c)(2).

6-51-214. Annual report and statement of finances.

The Director of the Division of Career and Technical Education shall make a detailed report annually to the Governor setting forth the conditions of career and technical education in the State of Arkansas, a list of the schools to which federal and state aid has been provided, and a detailed statement of the expenditures of federal funds and of state funds provided in this subchapter.

History. Acts 1931, No. 169, § 192; Pope's Dig., § 11634; A.S.A. 1947, § 80-2517; Acts 1999, No. 1323, § 36; 2021, No. 545, § 17.

Amendments. The 2021 amendment

substituted "Director of the Division of Career and Technical Education" for "State Board of Career Education", "career and technical" for "vocational-technical", and "subchapter" for "act".

SUBCHAPTER 3 — MULTIDISTRICT VOCATIONAL CENTERS

SECTION.

6-51-302. Approval of center establishment.

SECTION.

6-51-303. Administration.

6-51-305. Financing.

6-51-302. Approval of center establishment.

(a) The State Board of Education shall review recommendations from the Career Education and Workforce Development Board to establish new vocational centers to serve high school students from several school districts in locations where services are needed to:

(1) Support economic, industrial, and employment development efforts;

(2) Provide equity and substantially equal access to quality vocational programs; and

(3) Improve school programs to assist schools in meeting accreditation standards.

(b) The State Board of Education shall approve only centers which utilize existing vocational education resources such as facilities, equipment, etc., except in those geographic areas in which comprehensive vocational offerings have not been developed and the State Board of

Education determines that those resources must be developed to accomplish the above purposes.

(c) If a postsecondary vocational-technical school or two-year college which operates a secondary vocational center merges or consolidates with a public institution of higher education, the secondary vocational center may continue to be administered by the institution of higher education involved in the merger or consolidation.

(d) The provisions of this section are contingent on the appropriation of funding necessary to allow the State Board of Education to carry out the duties assigned to the State Board of Education under this section.

(e) All existing vocational centers may be reviewed by the State Board of Education at the discretion of the State Board of Education.

(f) The Office of Skills Development shall provide annually a report to the State Board of Education on the financial viability of vocational centers, enrollment, programs, and the success of students.

History. Acts 1985, No. 788, § 1; A.S.A. 1947, § 80-2593; Acts 1999, No. 1323, § 39; 2001, No. 819, § 2; 2021, No. 545, § 18.

Amendments. The 2021 amendment substituted "State Board of Education shall review recommendations from the Career Education and Workforce Develop-

ment Board to establish new" for "State Board of Career Education may approve the establishment of" in the introductory language of (a); substituted "State Board of Education" for "board" and "State Board of Education" for "state board" in (b); and added (d), (e), and (f).

6-51-303. Administration.

(a) The management, maintenance, and operation of a center shall be the responsibility of the local school or institution approved by the Career Education and Workforce Development Board to be the center.

(b) A center shall be administered in accordance with the guidelines and policies established by the board.

(c) A center physically detached from a local public school district or state-supported institution of higher education may use vocational center aid funding from the Division of Career and Technical Education Public School Fund Account for the management, maintenance, and operation of the center.

History. Acts 1985, No. 788, § 3; A.S.A. 1947, § 80-2593.2; Acts 2001, No. 819, § 3; 2021, No. 507, § 1.

Amendments. The 2021 amendment added (c).

6-51-305. Financing.

(a)(1) Vocational centers shall be financed by distributing vocational center aid from the Public School Fund according to rules promulgated by the Career Education and Workforce Development Board.

(2) Additionally, centers shall be eligible for any new vocational program start-up funds which become available from funds set aside for vocational start-up provided in the fund and for federal vocational education funds.

(b)(1) Any funds expended above the maximum funded amount per student as outlined in this section will be the responsibility of the institution or school approved to operate as a vocational center.

(2) Any funds received by an institution or school district operating a vocational center either from tuition or from state funds unexpended at the end of the school year shall be carried forward for the purpose of conducting summer programs and community-based education centers or supporting vocational center operations in succeeding years.

(c)(1) At each approved vocational center that is a postsecondary vocational-technical school, community college, or two-year college, only those programs that have been approved as designed exclusively for instruction of secondary students will qualify for state aid from the fund.

(2)(A) Vocational centers which may provide instruction to secondary students who have been admitted to ongoing programs designed for postsecondary or collegiate students will not qualify for vocational aid from the fund.

(B) Under these circumstances, however, a vocational center shall be eligible to receive the tuition described above even if a sending school uses its state aid to pay the tuition.

History. Acts 1985, No. 788, § 2; A.S.A. 1947, § 80-2593.1; Acts 1989, No. 68, § 1; 1991, No. 229, § 1; 1999, No. 1318, § 4; 2001, No. 819, § 4; 2019, No. 179, § 3; 2019, No. 315, § 348.

A.C.R.C. Notes. Acts 2019, No. 179, § 1, provided: "Legislative intent. It is the intent of the General Assembly that:

"(1) Funding for secondary vocational area centers should reflect a number of fast-changing factors, such as regional and statewide workforce priorities, as well as demand on an industry-by-industry basis;

"(2) The definition of 'full time equivalent students' and the funding level tied to the number of full time equivalent students be aligned with a regulatory system that allows the Division of Career and Technical Education to monitor and adjust these terms in response to the changing business environment;

"(3) The current funding structure of three thousand two hundred fifty dollars (\$3,250) per full time equivalent student

be discontinued in favor of establishing a tiered funding structure for distributing vocational center aid determined by the Division of Career and Technical Education and approved by the Career Education and Workforce Development Board; and

"(4) A tiered funding structure for distributing vocational center aid determined by the Division of Career and Technical Education and approved by the Career Education and Workforce Development Board take into account the different funding needs and costs of individual programs of study or the workforce needs of the State of Arkansas."

Amendments. The 2019 amendment by No. 179, in (a)(1), substituted "by distributing" for "with a combination of training fees from schools sending students and", and "Career Education and Workforce Development Board" for "State Board of Career Education".

The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (a)(1).

SUBCHAPTER 4 — PLUMBING PROGRAM

[Repealed.]

SECTION.

6-51-401 — 6-51-404. [Repealed.]

6-51-401 — 6-51-404. [Repealed.]

A.C.R.C. Notes. The repeal of § 6-51-401 by Acts 2021, No. 545, § 19, superseded the technical correction amendments made to § 6-51-401 by Acts 2021, No. 467, §§ 6, 7.

Acts 2021, No. 467, § 13, provided: “CONSTRUCTION AND LEGISLATIVE INTENT. It is the intent of the General Assembly that:

“(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

“(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

“(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

“(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

“(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

“(B) Section 1-2-107 shall not apply; and

“(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.”

Publisher's Notes. This subchapter, concerning plumbing program, was repealed by Acts 2021, No. 545, § 19, effective July 28, 2021. The subchapter was derived from the following sources:

6-51-401. Acts 1975, No. 394, §§ 1, 3; A.S.A. 1947, §§ 80-2587, 80-2589; Acts 1999, No. 1323, § 40; 2019, No. 315, § 349; 2019, No. 910, § 1861; 2021, 467, §§ 6, 7.

6-51-402. Acts 1975, No. 394, §§ 2, 3; A.S.A. 1947, §§ 80-2588, 80-2589.

6-51-403. Acts 1975, No. 394, § 2; A.S.A. 1947, § 80-2588.

6-51-404. Acts 1975, No. 394, § 2; A.S.A. 1947, § 80-2588.

SUBCHAPTER 5 — HOUSING CONSTRUCTION PROGRAM [Repealed.]

SECTION.

6-51-501 — 6-51-510. [Repealed.]

6-51-501 — 6-51-510. [Repealed.]

A.C.R.C. Notes. The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-501 by Acts 2019, No. 910, § 1862. The amendment by Acts 2019, No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (c)(1).

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-502 by Acts 2019, No. 910, § 1863. The amendment by Acts 2019, No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (b).

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-503 by Acts 2019, No. 910, § 1864. The amendment by Acts 2019, No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education”.

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-504 by Acts 2019, No. 910, § 1865. The amendment by Acts 2019, No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (a).

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-505 by Acts 2019, No. 315, § 350. The amendment by Acts 2019, No. 315 deleted “and regulations” following “law” in the section heading; and substituted “rules” for “regulations” in (1) and (2).

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-508 by Acts 2019, No. 910, § 1866. The amendment by Acts 2019, No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (a); and substituted

"division" for "department" in (b)(1)(A) and (b)(1)(B).

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-509 by Acts 2019, No. 910, § 1867. The amendment by Acts 2019, No. 910 substituted "Division of Career and Technical Education" for "Department of Career Education".

The repeal of this subchapter by Acts 2019, No. 335, § 1, superseded the amendment of § 6-51-510 by Acts 2019, No. 910, § 1868. The amendment by Acts 2019, No. 910 substituted "Division of Career and Technical Education" for "Department of Career Education".

Publisher's Notes. This subchapter, concerning the housing construction program, was repealed by Acts 2019, No. 335, § 1, effective July 24, 2019. The subchapter was derived from the following sources:

6-51-501. Acts 1977, No. 678, § 1; A.S.A. 1947, § 80-2590; Acts 1997, No. 233, § 1; 2007, No. 541, § 1; 2019, No. 910, § 1862.

6-51-502. Acts 1977, No. 678, § 2; A.S.A. 1947, § 80-2590.1; Acts 1997, No. 233, § 2; 2007, No. 541, § 2; 2019, No. 910, § 1863.

6-51-503. Acts 1977, No. 678, § 3; A.S.A. 1947, § 80-2590.2; Acts 1997, No. 233, § 3; 2007, No. 541, § 3; 2019, No. 910, § 1864.

6-51-504. Acts 1977, No. 678, § 4; A.S.A. 1947, § 80-2590.3; Acts 1997, No. 233, § 4; 2007, No. 541, § 4; 2019, No. 910, § 1865.

6-51-505. Acts 1977, No. 678, § 5; A.S.A. 1947, § 80-2590.4; Acts 1997, No. 233, § 5; 2007, No. 541, § 5; 2019, No. 315, § 350.

6-51-506. Acts 1977, No. 678, § 6; A.S.A. 1947, § 80-2590.5; Acts 1997, No. 233, § 6; 2007, No. 541, § 6.

6-51-507. Acts 1977, No. 678, § 7; A.S.A. 1947, § 80-2590.6; Acts 1997, No. 233, § 7; 2007, No. 541, § 7.

6-51-508. Acts 1977, No. 678, § 8; A.S.A. 1947, § 80-2590.7; Acts 1997, No. 233, § 8; 2007, No. 541, § 8; 2019, No. 910, § 1866.

6-51-509. Acts 1977, No. 678, § 9; A.S.A. 1947, § 80-2590.8; Acts 1997, No. 233, § 9; 2019, No. 910, § 1867.

6-51-510. Acts 1977, No. 678, § 11; A.S.A. 1947, § 80-2590.10; Acts 2019, No. 910, § 1868.

SUBCHAPTER 6 — PRIVATE RESIDENT AND CORRESPONDENCE SCHOOLS

SECTION.

- 6-51-602. Definitions.
- 6-51-603. Exemptions.
- 6-51-604. Notice of possible violations — Responses — Injunctions.
- 6-51-605. State Board of Private Career Education.
- 6-51-606. School license generally.
- 6-51-607. Private Career School Student Protection Trust Fund.
- 6-51-608. Extension course sites and satellite schools — Additional school license.
- 6-51-609. Admissions representative's license — Generally.
- 6-51-610. Fees.
- 6-51-611. License renewal.
- 6-51-612. Penalty for operating school without license.

SECTION.

- 6-51-614. Denial, probation, or revocation of school license — Review.
- 6-51-615. Denial or suspension of admissions representative's license — Review — Penalty.
- 6-51-616. Student grievance procedure.
- 6-51-617. State Board of Private Career Education — Dispute resolution.
- 6-51-618. Fines.
- 6-51-619. Subpoenas and subpoenas duces tecum.
- 6-51-620. Bond.
- 6-51-622. Noncommercial driver training instruction.
- 6-51-623. Defensive driving instruction.
- 6-51-624. Applicability.

Effective Dates. Acts 2017, No. 565, § 29; Mar. 22, 2017. Emergency clause provided: "It is found and determined by

the General Assembly of the State of Arkansas that this act will create more efficient regulation of private career educa-

tion; and that this act is immediately necessary to provide Arkansas citizens seeking private career education the consumer protection services they need. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this

act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-51-602. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Admissions representative" means a person who executes an enrollment agreement and who receives compensation for the primary duties of encouraging prospective students to enroll for training in a program of study offered by a school covered under the provisions of this subchapter;

(2) "Board" means the State Board of Private Career Education;

(3) "Combination school" means any school in which programs of study are conducted by both distance education and resident training;

(4) "Director" means the authorized representative of the State Board of Private Career Education for the purpose of administering the provisions of this subchapter;

(5) "Distance education school" means any school in which all programs of study are conducted by distance education;

(6) "Extension course site" means a location away from the school where a course or courses are conducted one (1) or more times during the licensure period;

(7) "Program of study" means an organized unit of courses or an individual course in which instruction is offered;

(8) "Resident school" means any school in which all programs of study are conducted in resident classrooms or held in public meeting facilities;

(9) "Satellite school" means a location within the State of Arkansas away from the school where programs of study are offered on a regular continuing basis by Arkansas schools;

(10)(A) "School" means any person, firm, partnership, association, corporation, or other form of business organization seeking to do

business or offering in the State of Arkansas resident or correspondence training that leads to or enhances occupational qualifications.

(B) "School" also means any firm, partnership, association, corporation, or other form of business organization that offers instruction in airframe or power plant mechanics.

(C) "School" also means any firm, partnership, association, corporation, or other form of business organization that offers training as preparation for passing exams that may lead to employment.

(D) "School" also means any firm, partnership, association, corporation, or other form of business organization that offers driver education training excluding those courses taught motor vehicle violators pursuant to court order.

(E) "School" does not include:

(i) A program of instruction in yoga or in yoga-teacher training; or

(ii) An institution that is subject to the jurisdiction of the Arkansas Higher Education Coordinating Board under § 6-61-301; and

(11) "Student" or "enrollee" means a person who is seeking to enroll, has been enrolled, is sought for enrollment, or is seeking training or instruction, in a school as defined in this section.

History. Acts 1983, No. 770, § 2; A.S.A. 1947, § 80-4302; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2003, No. 1781, §§ 1, 2; 2009, No. 1478, § 1; 2015, No. 45, § 1; 2021, No. 252, § 1.

Amendments. The 2021 amendment deleted former (7) and redesignated the remaining subdivisions accordingly; deleted "whether or not the institution is subject to the jurisdiction of the Arkansas

Higher Education Coordinating Board under § 6-61-301" in (10)(A) at the end; added (10)(E)(ii) and the (10)(E)(i) designation and substituted "include" for "mean" in the introductory language of (10)(E); in (11), deleted "'trainee', or 'pupil'" preceding "means" and substituted "section" for "subchapter"; and made stylistic changes.

6-51-603. Exemptions.

The following are exempt from licensure under this subchapter:

(1) Private institutions exclusively offering instruction at any or all levels from preschool through twelfth grade;

(2) Schools established by laws of Arkansas, governed by Arkansas boards, and permitted to operate for the sole purpose of providing specific training normally required to qualify persons for occupational licensure by state boards or commissions, which determine education and other standards for licensure and operation of such schools;

(3) State colleges and universities coordinated by the Arkansas Higher Education Coordinating Board;

(4) Programs of study offered by institutions or individuals for personal improvement, whether avocational or recreational, if designated through media or other sources as not for the purpose of enhancing an occupational objective;

(5) Schools operated solely to provide programs of study in theology, divinity, religious education, and ministerial training;

(6) A training program offered or sponsored by an employer for training and preparation of its own employees and for which no tuition fee is charged the employee;

(7) A program of study sponsored by a recognized trade, business, or professional organization for instruction of the members of the organization with a closed membership and for which no fee is charged the member;

(8) A school or educational institution supported by state or local government taxation;

(9) Flight instructors and flight instruction schools licensed under appropriate Federal Aviation Administration regulations and offering only training for a private pilot's license;

(10) Schools covered by § 6-61-301(a)(3) and exempt from § 6-61-101 et seq.;

(11) Training offered by other Arkansas state agencies, boards, or commissions;

(12)(A) Training offered on military bases where a majority of the students enrolled are active duty personnel or their adult family members, United States Department of Defense civilian employees or their adult family members, members of the United States Armed Forces reserve components, and retirees.

(B) These organizations shall remain exempt from the requirement for licensure if required to move off the military installation for a period of not more than ninety (90) days because of a change in security level which would not allow civilian students on the installation.

(C) The State Board of Private Career Education shall have the authority to review any situations that extend past the ninety-day period and determine whether the exemption status should remain for the school;

(13) Certified nurse aide or certified nursing assistant training programs:

(A) Whose underlying majority ownership has ownership of five (5) or more nursing facilities licensed by the Office of Long-Term Care; and

(B) That are under the regulatory oversight of the office; and

(14) Schools located outside the state that:

(A) Offer education or training outside the state; and

(B) Do not participate in distance education.

History. Acts 1983, No. 770, §§ 1, 2; A.S.A. 1947, §§ 80-4301, 80-4302; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2003, No. 1781, § 3; 2009, No. 1478, § 2; 2017, No. 755, § 1; 2019, No. 755, § 1.

Amendments. The 2017 amendment added (13).

The 2019 amendment added (14).

6-51-604. Notice of possible violations — Responses — Injunctions.

(a) If the Division of Higher Education has probable cause to believe that a person, agent, group, or entity has committed any acts that would be in violation of this subchapter such as fraud, misrepresentation, or unethical practices, the division shall first give notice in writing by certified mail or in person to the agency or entity affected.

(b) The person, agent, or entity will have ten (10) days in which to respond to the notice of violation, unless the division deems an emergency exists, in which case the entity will have up to twenty-four (24) hours in which to respond.

(c)(1) If action on the part of the person, agent, or entity in response to a notice is to seek to eliminate the violation, a further extension of time may be granted by the division.

(2) Otherwise, the division may order a cease and desist of such acts after a formal hearing, or the division shall have the duty to request the Attorney General or district prosecuting attorney in the county where the offense was committed to seek in a court of competent jurisdiction an injunction restraining the commission of such acts.

History. Acts 1983, No. 770, § 13; A.S.A. 1947, § 80-4313; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2017, No. 565, § 4; 2019, No. 910, § 1869; 2021, No. 252, § 2.

Amendments. The 2017 amendment, in (a), substituted “In consultation with” for “Whenever”, inserted “its”, inserted “if the Department of Higher Education”, and substituted “department” for “board or director acting for the board”; substituted “department” for “board or the director acting for the board” in (b); substituted

“department” for “director acting for the board” in (c)(1); and, in (c)(2), substituted “department” for “board” and “board or the director”.

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a); and substituted “division” for “department” throughout the section.

The 2021 amendment deleted “In consultation with the State Board of Private Career Education or its director acting for the board” at the beginning of (a).

6-51-605. State Board of Private Career Education.

(a)(1)(A) The Governor shall appoint a State Board of Private Career Education of seven (7) members who shall serve for terms of seven (7) years.

(B) The Governor shall make appointments or reappointments to the board to provide membership of three (3) persons associated with schools and four (4) persons from the general public.

(2) The Director of the Division of Higher Education and the Director of the Division of Career and Technical Education or their designees shall serve as nonvoting, ex officio members of the board.

(b)(1) The board may elect the necessary officers, acting by and through the Director of the Division of Higher Education.

(2) The Division of Higher Education shall have the sole authority to:

(A) Approve all schools offering programs of study leading to or enhancing an occupational objective;

(B) Administer and enforce this subchapter; and

(C) Issue licenses to schools that have met the standards set forth for the purposes of this subchapter by the Division of Higher Education, including without limitation programs of study, adequate facilities, financial stability, qualified personnel, and legitimate operating practices.

(c) Upon approval by the Division of Higher Education, any such school may issue certificates or diplomas.

(d) The Division of Higher Education shall:

(1) Formulate the criteria and the standards evolved for the approval of such licensed schools;

(2) Provide for adequate investigation of all schools applying for a license;

(3) Issue licenses to those applicants meeting the standards fixed by the Division of Higher Education; and

(4) Maintain a list of schools approved under the provisions of this subchapter.

(e) The Division of Higher Education shall formulate the standards evolved under this subchapter for the approval of admissions representatives of such licensed schools and issue licenses to those applicants meeting the standards fixed by the Division of Higher Education.

(f) In consultation with the board, the Division of Higher Education shall promulgate standards and rules to be prescribed for the administration of this subchapter and the management and operation of the schools and admissions representatives, subject to the provisions of this subchapter.

(g) The Division of Higher Education shall participate in the hearings provided to schools and admissions representatives in cases of revocation or denial of licensure.

(h) Official meetings of the board may be called by the Chair of the State Board of Private Career Education as necessary, but meetings shall be held at least four (4) times a year.

(i) A majority of favorable votes by the board members at an official meeting is required for adoption of a recommendation.

(j) Board members may be reimbursed for expenses in accordance with § 25-16-901 and stipends according to § 25-16-903.

(k) The board may adopt and use a seal, which may be used for the authentication of the recommendations of the board.

(l) [Repealed.]

(m)(1) The Division of Higher Education shall annually require background investigations for all partners or shareholders with ten percent (10%) or more ownership interest in a school when the school seeks an original license.

(2) The Division of Higher Education may establish a schedule for periodic background checks for partners or shareholders with ten percent (10%) or more ownership interest in a school when seeking renewal of a school license.

(n)(1) The partners or shareholders shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and national

criminal background check to be conducted by the Federal Bureau of Investigation.

(2) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(3) The applicant shall sign a release of information to the board and shall be responsible to the Division of Arkansas State Police for the payment of any fee associated with the criminal background check.

(4) Upon completion of the criminal background check, the Identification Bureau of the Division of Arkansas State Police shall forward to the Division of Higher Education all information obtained concerning the person in the commission of any offense listed in § 6-51-606(h)(3).

(5)(A) The Division of Higher Education may issue a nonrenewable temporary license pending the results of the criminal background check.

(B) The license shall be valid for no more than six (6) months.

(C) Upon receipt of information from the Identification Bureau of the Division of Arkansas State Police that only one (1) of the partners or shareholders of the school holding the license has been convicted of any offense listed in § 6-51-606(h)(3), the Division of Higher Education shall revoke the license.

(o)(1) The provisions of § 6-51-606(h) may be waived by the Division of Higher Education upon the request of:

(A) An affected applicant for licensure; or

(B) The partners or shareholders of a school holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat.

(p)(1) Any information received by the Division of Higher Education from the Identification Bureau of the Division of Arkansas State Police under this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Division of Arkansas State Police.

(q) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(r) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than the background check required by this section.

(s) In consultation with the board, the Division of Higher Education shall adopt the necessary rules to fully implement the provisions of this section.

History. Acts 1983, No. 770, § 3; A.S.A. 1947, § 80-4303; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 1997, No. 250, § 24; 2003, No. 1781, §§ 4-6; 2017, No. 565, § 5; 2019, No. 755, § 2; 2019, No. 910, § 1870; 2021, No. 252, § 3.

A.C.R.C. Notes. Acts 2017, No. 565, § 1, provided: "Transfer of the State Board of Private Career Education to the Department of Higher Education.

"(a)(1) The State Board of Private Career Education is transferred to the Department of Higher Education by a type 2 transfer under § 25-2-105.

"(2) For the purposes of this act, the Department of Higher Education shall be considered a principal department established by Acts 1971, No. 38.

"(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing of the State Board of Private Career Education are transferred to the Department of Higher Education, except as specified by this act.

"(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, and standards, and the rendering of findings, orders, and adjudications of the State Board of Private Career Education are transferred to the Director of the Department of Higher Education.

"(d) The employee and designees of the State Board of Private Career Education shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the State Plant Board except as specified in this act.

"(e) The Arkansas Code Revision Commission shall make appropriate name

changes in the Arkansas Code to implement this act."

Amendments. The 2017 amendment substituted "Department of Higher Education" for "board" throughout the section; substituted "board" for "State Board of Private Career Education" in (a)(2); rewrote (b); substituted "Department of Higher Education" for "board, acting by and through the director" in the introductory language of (d) and in (e); substituted "under this subchapter" for "thereunder" in (e); substituted "In consultation with the board, the Department of Higher Education shall promulgate standards and rules" for "The board shall promulgate standards, rules, and regulations" in (f); inserted "to" in (g); substituted "recommendations" for "acts" in the introductory language of (k); deleted the former (l)(1) designation and (l)(2); substituted "under" for "pursuant to" in the introductory language of (p)(1); and substituted "In consultation with the board, the Department of Higher Education shall adopt the necessary rules" for "The board shall adopt the necessary rules and regulations" in (s).

The 2019 by No. 755 amendment repealed (l).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" throughout the section; substituted "Director of the Division of Career and Technical Education" for "Director of the Department of Career Education" in (a)(2); and substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" throughout (n) and (p).

The 2021 amendment added the (b)(1) and (2) designations; redesignated former (b)(1)-(3) as (b)(2)(A)-(C); and deleted "In consultation with the board" in the introductory language of (b)(2).

6-51-606. School license generally.

(a) No persons shall operate, conduct, maintain, or offer to operate in this state a school as defined in this subchapter, or solicit the enroll-

ment of students residing in the state, unless a license is first secured from the Division of Higher Education issued in accordance with the provisions of this subchapter and the rules promulgated by the division in consultation with the State Board of Private Career Education.

(b)(1) Application for a license shall be filed in the manner and upon the forms prescribed and furnished by the division for that purpose.

(2) The application shall be signed by the applicant and properly verified and shall contain such information as may apply to the type and kind of school, satellite school, or extension course site for which a license is sought.

(c)(1) A license issued shall be restricted to the programs of study specifically indicated in the application for a license.

(2) The holder of a license shall present a supplementary application for approval of additional programs of study.

(d) The license shall remain the property of the State of Arkansas and shall be returned to the division upon cause.

(e) [Repealed.]

(f) After a license is issued to any school by the division on the basis of its application, it shall be the responsibility of the school to notify immediately the division of any changes in the ownership, administration, location, faculty, or programs of study on the forms and in the manner prescribed by the division.

(g) In the event of the sale of such school, the license granted to the original owner or operators shall not be transferable to the new ownership or operators, but application for a new license must be made and approved before the new ownership's taking over operation of the school.

(h) The division shall have the power to deny issuing a new or renewal license, to revoke an existing license, or to place a licensee on probation, if in its discretion it determines that:

(1) The licensee has violated any of the provisions of this subchapter or any of the rules of the division;

(2) The applicant or licensee has knowingly presented to the division incomplete or misleading information relating to licensure;

(3) The applicant or licensee has pleaded guilty, entered a plea of nolo contendere, or has been found guilty in a criminal proceeding, regardless of whether or not the adjudication of guilt or sentence is withheld, deferred, or suspended by a court of this state, another state, or the United States Government, of:

(A) Any felony; or

(B) Any act involving moral turpitude, gross immorality, or which is related to the qualifications, functions, and duties of a licensee;

(4) The applicant or licensee has intentionally failed or refused to permit the division or its representatives to inspect the school or classes or has intentionally failed or refused to make available to the division, at any time when requested to do so, full information pertaining to any or all items of information contained in an application for license or pertaining to the operation of the school;

(5) The applicant has failed or refused to submit to the division an application for license or renewal in the manner and on the forms prescribed;

(6) A licensed admissions representative has failed or refused to display or produce his or her license when requested to do so by prospective students or designated officials of the division;

(7) The applicant or licensee has failed to provide or maintain premises, equipment, materials, supplies, or conditions in accordance with minimum standards as established by rules;

(8) The licensee has been found by the division or a court of law to have perpetrated fraud or deceit in advertising of the school or programs of study or in presenting to prospective students information relating to the school, programs of study, employment opportunities, or opportunities for enrollment in institutions of higher education;

(9) The licensee has in its employ admissions representatives who have not been licensed but are actively engaged in the practice of attempting to enroll students;

(10) The licensee has failed to provide and maintain standards of instruction or qualified administrative, supervisory, or instructional staff as established by rules;

(11) The applicant or licensee is unable to provide and maintain financial resources in sufficient amount to equip and maintain the school or classes;

(12) The licensee has moved the school into new premises or facilities without first notifying the division;

(13) The licensee has offered training or instruction in programs of study which have not been approved and authorized in accordance with rules;

(14) A licensed admissions representative has solicited prospective students to enroll in a school which has not been licensed by the division or which is not listed on his or her license;

(15) There was a change in the ownership of the school without proper notification to and approval from the division;

(16) The licensee has failed to notify the division or to provide written documentation as to the cause that the license of a school has been suspended or revoked or the school has been placed on probation or a show cause issued in another state or by another regulatory agency;

(17) The licensee has failed to notify the division of legal actions initiated by or against the school; or

(18) The licensee fails to make tuition refunds to the students or their lenders in compliance with current rules.

(i) The division shall have the power to revoke a license if in its discretion it determines that:

(1) The licensee has failed to cure a deficiency leading to a license probation within the time as may be reasonably prescribed by the division;

(2) The licensee while on probation has been found by the division to have incurred an additional infraction of this subchapter; or

(3) The licensee has closed a school without first having completed the training of all students currently enrolled or having made tuition refunds to students or their lenders.

(j) The division may impose sanctions under § 25-15-217.

(k)(1) Unless directed to do so by court order, the division shall not, for a period of five (5) years following revocation, reinstate the license of a school or allow an owner of any such school to seek licensure of another school.

(2) Upon expiration of licensure status, the school must apply for an original license in accordance with the provisions of this subchapter.

(l)(1) Upon closure of a school located in Arkansas and licensed under any provision of this subchapter, whether for license revocation or any other cause, all student financial aid records for the previous three (3) years and all student transcripts regardless of age must be delivered to the division.

(2) Delivered records shall be arranged in alphabetical order and stored in boxes or in data format at the discretion of the division.

(3) The division shall be responsible for the proper security, storage, and maintenance of all such records.

History. Acts 1983, No. 770, § 5; A.S.A. 1947, § 80-4305; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2003, No. 1781, §§ 7, 8; 2017, No. 565, § 6; 2019, No. 910, §§ 1871-1876; 2021, No. 252, § 4.

Amendments. The 2017 amendment substituted “department” for “board” and “director” throughout the section; in (a), substituted “Department of Higher Education” for “State Board of Private Career Education”, deleted “and regulations” following “rules”, and substituted “department in consultation with the State Board of Private Career Education” for “board”; substituted “A” for “Any” in (c)(1); redesignated former (e) as (e)(1) and (2); substi-

tuted “department” for “board, acting by and through the director” in (e)(1); inserted “under subdivision (e)(1) of this section” in (e)(2); substituted “before” for “prior to” in (g); deleted “and regulations” following “rules” in (h)(1), (7), (10), and (13); substituted “rules” for “regulations” in (h)(18); and substituted “under” for “pursuant to” in (j).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a); and substituted “division” for “department” throughout the section.

The 2021 amendment repealed (e).

6-51-607. Private Career School Student Protection Trust Fund.

(a)(1) Each school licensed under this subchapter shall pay annually a fee to be set by the Division of Higher Education in consultation with the State Board of Private Career Education.

(2) The fee shall be set at the amount the division deems necessary to establish a fund and to maintain the fund as necessary.

(3) For a renewing school, the fee shall be based on the enrollment of Arkansas residents in the preceding twelve (12) months of July 1 through June 30.

(4)(A) For an original license, the fee shall be a percentage as determined by the division of the sum of the tuitions for each program offered.

(B) Additionally, during the first twelve (12) months of licensure, the same percentage shall be paid to the fund on additional new programs of study.

(b) The fee will be deposited into a trust fund in the State Treasury to be called the "Private Career School Student Protection Trust Fund".

(c)(1) Regardless of the balance in the fund, a fee, as set by the division, will be assessed newly licensed schools.

(2) Newly licensed schools shall pay for a number of years equal to the number of years paid by schools licensed on September 1, 1989.

(d)(1) The assets of the fund may be invested and reinvested as the division may determine.

(2) Any interest income or dividends from the investment of the fund shall be credited to the fund.

(e) The division may use any amounts in the fund, including accumulated interest, to:

(1) Pay claims filed by students not to exceed a total of one hundred thousand dollars (\$100,000) for all students of the school when a school becomes insolvent or ceases to operate without offering a complete program of study;

(2) Pay expenses incurred by a school not to exceed a total of one hundred thousand dollars (\$100,000) that are directly related to educating a student placed in the school under this subchapter, including the applicable tuition for the period of time for which the student has paid tuition;

(3) Pay expenses directly associated with the storage and maintenance of academic and financial aid records of those students adversely affected by school closings; and

(4)(A) Pay administrative costs due to school closings, including without limitation:

(i) Travel expenses; and

(ii) The employment of temporary personnel to assist with transport and organization of student records.

(B) Provided further, that reimbursement for the expenses incurred in subdivision (e)(4)(A) of this section shall not exceed five thousand dollars (\$5,000) per school closing.

(f) Any amounts in the fund above two hundred thousand dollars (\$200,000) may be used with the approval of the Director of the Division of Higher Education to:

(1) Fund educational seminars and other forms of educational projects for the use and benefit of licensed school administrators, faculty, staff, or admissions representatives;

(2) Provide for travel expenses and registration fees to send staff or board members to accrediting meetings, seminars, or meetings relating to the school sector;

(3) Provide staff assistance; or

(4)(A) Fund student scholarships as provided for by the Higher Education Grants Fund Account.

(B) Priority of funding scholarships under subdivision (f)(4)(A) of this section shall be given to the funding of veterinary medicine

student loans at the College of Veterinary Medicine of Mississippi State University.

(g)(1) If a school closes, the division shall attempt to place each student of the school in another school.

(2) If the student cannot be placed in another school, the student's tuition for which education has not been received may be refunded on a prorated basis in the manner prescribed by the division.

(3) If another school assumes responsibility for the closed school's students with no significant changes in the quality of training, a student is not entitled to a refund under this section.

(4) Attorney's fees, court costs, or damages may not be paid from the fund.

History. Acts 1989, No. 906, § 1; 1995, No. 367, § 1; 1995, No. 1213, § 1; 2003, No. 1781, §§ 9, 10; 2009, No. 1478, § 3; 2017, No. 565, § 7; 2019, No. 755, §§ 3, 4; 2019, No. 910, §§ 1877-1882.

Amendments. The 2017 amendment substituted "department" for "board" and "director" throughout the section; inserted "Department of Higher Education in consultation with the" in (a)(1); substituted "the amount the" for "such amount as the" in (a)(2); substituted "The department" for "With the approval of the board, the Director of the State Board of Private Career Education" in the introductory language of (e); and substituted "Director of the Department of Higher Education" for "board" in the introductory language of (f).

The 2019 amendment by No. 755 deleted former (c)(1) and redesignated

(c)(2)(A) as (c)(1) and (c)(2)(B) as (c)(2); substituted "Regardless" for "However, regardless" in (c)(1); substituted "two hundred thousand dollars (\$200,000)" for "the required five hundred thousand dollars (\$500,000)" in the introductory language of (f); and added (f)(4).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a)(1); substituted "division" for "department" throughout the section; substituted "fund" for "Private Career School Student Protection Trust Fund" following "maintain the" in (a)(2), and in (c)(2)(A) [now (c)(1)], (d)(1), (e), and (f); and substituted "Director of the Division of Higher Education" for "Director of the Department of Higher Education" in (f).

6-51-608. Extension course sites and satellite schools — Additional school license.

(a)(1) Any school licensed under this subchapter shall make application to the Division of Higher Education to offer a course or courses at an extension course site or satellite school.

(2) The school shall submit a separate additional license fee with the licensure application for each extension course site or satellite school.

(3) The courses, facilities, faculty, and all other operations of the extension course site or satellite school must meet minimum standards as established by rules.

(b) The school will be assessed a fee as set by the division to be deposited into the Private Career School Student Protection Trust Fund.

History. Acts 1983, No. 770, § 5; A.S.A. 1947, § 80-4305; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2017, No. 565, § 8; 2019, No. 910, §§ 1883, 1884.

Amendments. The 2017 amendment substituted "Department of Higher Education" for "State Board of Private Career Education" in (a)(1); deleted "and regula-

tions" following "rules" at the end of (a)(3); and substituted "department" for "board" in (b).

The 2019 amendment substituted "Division of Higher Education" for "Depart-

ment of Higher Education" in (a)(1); and substituted "division" for "department" in (b).

6-51-609. Admissions representative's license — Generally.

(a)(1) An admissions representative that solicits or sells a program of study for consideration or remuneration shall first obtain a license from the Division of Higher Education to solicit or sell the program of study.

(2) However, subdivision (a)(1) of this section shall not apply to an out-of-state school that provides educational training outside the state.

(b)(1) The license shall be on a form of such size as to be displayed for examination by each prospective student contacted by the admissions representative for enrollment or recruitment purposes.

(2) The license shall bear a recent photograph of the admissions representative, the admissions representative's name, the name and address of the licensed school to be represented, and the valid period of the admissions representative's license which will indicate the expiration date.

(c)(1) An admissions representative's license shall be automatically cancelled when the license of the school represented by the admissions representative is suspended or revoked for any reason, or the school closes.

(2)(A) The license shall be endorsed by the Director of the Division of Higher Education.

(B) The license shall remain the property of the State of Arkansas and shall be returned to the Division of Higher Education upon cause.

(d) An applicant for an admissions representative's license must:

(1) Be at least eighteen (18) years of age;

(2) Be a high school graduate or hold a graduate equivalent degree;

(3) Not have been convicted in any jurisdiction of a felony, theft of property, or a crime involving an act of violence for which a pardon has not been granted;

(4) Be a citizen of the United States;

(5) Not have been discharged from the United States Armed Forces under other than honorable conditions; and

(6) Be in compliance with any other reasonable qualifications that the Division of Higher Education may fix by rule.

(e)(1) An applicant for an admissions representative's license shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation.

(2) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(3) The applicant shall sign a release of information to the Division of Higher Education and shall be responsible to the Division of Arkansas State Police for the payment of any fee associated with the criminal background check.

(4) Upon completion of the criminal background check, the Identification Bureau of the Division of Arkansas State Police shall forward all information obtained concerning the person in the commission of any felony, Class A misdemeanor, or a crime involving an act of violence for which a pardon has not been granted.

(f)(1)(A) The Division of Higher Education may issue a nonrenewable temporary license pending the results of the criminal background check.

(B) The temporary license shall be valid for no more than six (6) months.

(2) Upon receipt of information from the Identification Bureau of the Division of Arkansas State Police that the person holding the temporary license has been convicted of a felony, Class A misdemeanor, or a crime involving an act of violence for which a pardon has not been granted, the Division of Higher Education shall immediately revoke the temporary license.

(g)(1) The provisions of subdivision (d)(3) of this section may be waived by the Division of Higher Education upon the request of:

(A) An affected applicant for licensure; or

(B) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat.

(h)(1) Any information received by the Division of Higher Education from the Identification Bureau of the Division of Arkansas State Police under this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

(2) A record, file, or document shall not be removed from the custody of the Division of Arkansas State Police.

(i) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(j) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than the background check required by this section.

(k) In consultation with the State Board of Private Career Education, the Division of Higher Education shall adopt the necessary rules to fully implement the provisions of this section.

History. Acts 1983, No. 770, § 6; A.S.A. 1947, § 80-4306; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2003, No. 1781, §§ 11-13; 2009, No. 1478, § 4; 2017, No. 565, § 9; 2019, No. 755, § 5; 2019, No. 910, §§ 1885-1895.

Amendments. The 2017 amendment substituted "Department of Higher Education" for "director" and "board" throughout the section; deleted former (a)(1) designation and (a)(2); in (a), substituted "A" for "No", inserted "not", and substituted "Department of Higher Education" for "Director of the State Board of Private Career Education"; redesignated former (c)(2) as (c)(2)(A) and (B); substituted "Director of the Department of Higher Education" for "chair of the board" in (c)(2)(A); substituted "United States Armed Forces" for "armed services of the United States"

in (d)(5); substituted "under" for "pursuant to" in the introductory language of (h)(1); in (h)(2), substituted "A" for "No" and inserted "not"; and, in (k), substituted "In consultation with the State Board of Private Career Education, the Department of Higher Education" for "The board" and deleted "and regulations" following "rules".

The 2019 amendment by No. 755 rewrote (a) and redesignated it as (a)(1); and added (a)(2).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" throughout the section; and substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" throughout (e) and (h).

6-51-610. Fees.

(a) In consultation with the State Board of Private Career Education, the Division of Higher Education shall set fees for schools and admissions representatives.

(b) The fees collected under this subchapter, except fees collected for the Private Career School Student Protection Trust Fund, shall be deposited into the State Treasury as special revenues credited to the Private Career Education Fund.

(c) A license fee shall not be refunded in the event of a school or an admissions representative's license suspension, revocation, denial, or request for withdrawal of an application by a school.

History. Acts 1983, No. 770, § 7; A.S.A. 1947, § 80-4307; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2017, No. 565, § 10; 2019, No. 910, § 1896.

Amendments. The 2017 amendment, in (a), added "In consultation with" and

inserted "the Department of Higher Education"; and, in (c), substituted "A" for "No" and inserted "not".

The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (a).

6-51-611. License renewal.

(a) Licenses shall be renewable annually.

(b) The licensing period shall be determined by the Division of Higher Education.

(c)(1) Application for renewal of a school license is to be provided in the form and manner prescribed by the division.

(2) The school and its programs of study, facilities, faculty, and all other operations must meet the minimum standards as established by rules.

(d) An application for renewal of an admissions representative's license shall be made on the forms and in the manner prescribed by the division.

History. Acts 1983, No. 770, § 7; A.S.A. 1947, § 80-4307; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2017, No. 565, § 11; 2019, No. 910, §§ 1897-1899.

Amendments. The 2017 amendment substituted “Department of Higher Education” for “State Board of Private Career Education” in (b); substituted “depart-

ment” for “board” in (c)(1) and (d); and deleted “and regulations” following “rules” at the end of (c)(2).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (b); and substituted “division” for “department” in (c)(1) and (d).

6-51-612. Penalty for operating school without license.

(a) A person, an admissions representative, each member of an association of persons, or each officer of a corporation who opens and conducts a school, satellite school, or extension course site, as defined in this subchapter, upon conviction is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or thirty (30) days’ imprisonment, or both, at the discretion of the court.

(b) Each day said school continues to be open and operate shall constitute a separate offense.

History. Acts 1983, No. 770, § 9; A.S.A. 1947, § 80-4309; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2021, No. 252, § 5.

A.C.R.C. Notes. The language “without first having obtained a license required in this subchapter”, which should precede “upon conviction” in subsection (a), was apparently struck through inadvertently as part of the amendment made by Acts

2021, No. 252, § 5.

Amendments. The 2021 amendment substituted “upon conviction is guilty” for “or an out-of-state school which offers to sell a program of study in Arkansas, without first having obtained a license required in this subchapter, shall be guilty” in (a); and made stylistic changes.

6-51-614. Denial, probation, or revocation of school license — Review.

(a) The Division of Higher Education shall have the authority to refuse to issue a school license, to place on probation, or to revoke a school license theretofore issued.

(b) Any school dissatisfied with the decision to refuse to license, to revoke, or to suspend a license may seek judicial review, provided the school files notice of appeal in Pulaski County Circuit Court within fifteen (15) calendar days immediately following the date of notification of this action by the division.

History. Acts 1983, No. 770, § 7; A.S.A. 1947, § 80-4307; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2005, No. 1962, § 15; 2017, No. 565, § 12; 2019, No. 910, § 1900.

Amendments. The 2017 amendment substituted “Department of Higher Edu-

cation” for “State Board of Private Career Education, acting by and through the director” in (a); and substituted “department” for “director” in (b).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a).

6-51-615. Denial or suspension of admissions representative's license — Review — Penalty.

(a) A person shall not be granted an admissions representative's license if, upon investigation, the applicant is found not to meet the requirements for an admissions representative under this subchapter.

(b) The Director of the Division of Higher Education, upon receipt of information considered dependable which indicates fraud, misrepresentation, or unethical practices on the part of an applicant, may deny issuance of a license applied for or may suspend immediately a license already issued pending a review by the Division of Higher Education.

(c) Any applicant dissatisfied with the decision to refuse, suspend, or revoke a license may seek judicial review, provided the applicant files notice of appeal in Pulaski County Circuit Court within fifteen (15) calendar days immediately following the date of notification of action by the director.

(d) Any person violating the provisions of this subchapter shall be guilty of a Class B misdemeanor.

History. Acts 1983, No. 770, §§ 11, 12; A.S.A. 1947, §§ 80-4311, 80-4312; Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2005, No. 1994, § 235; 2017, No. 565, § 13; 2019, No. 910, § 1901.

Amendments. The 2017 amendment, in (a), substituted "A" for "No" and inserted "not"; and substituted "Department

of Higher Education" for "State Board of Private Career Education" twice in (b).

The 2019 amendment substituted "Director of the Division of Higher Education" for "Director of the Department of Higher Education" and "Division of Higher Education" for "Department of Higher Education" in (b).

6-51-616. Student grievance procedure.

(a) Any student may file a written complaint with the Division of Higher Education on the forms prescribed and furnished by the division for that purpose if the student has reason to believe he or she is suffering loss or damage resulting from:

(1) The failure of a school to perform agreements made with the student; or

(2) An admissions representative's misrepresentations in enrolling the student.

(b)(1) All complaints shall be investigated, and attempts shall be made to resolve them informally.

(2) If an informal resolution cannot be achieved, the aggrieved party may request a formal hearing to be held before the State Board of Private Career Education.

(c) The aggrieved party may not pursue resolution before the board if legal action has been filed.

(d) The request for a hearing shall be in writing and filed with the director within one (1) year of completion of, or withdrawal from, the school.

(e) The written request for a hearing shall name the parties involved and specific facts giving rise to the dispute.

(f) The ruling of the board shall be binding upon the parties.

History. Acts 1989, No. 906, § 1; 1989 (3rd Ex. Sess.), No. 51, § 1; 1995, No. 1213, § 1; 2003, No. 1781, § 14; 2017, No. 565, § 14; 2021, No. 252, § 6.

Amendments. The 2017 amendment, in the introductory language of (a), substituted “Department of Higher Education” for the first occurrence of “director” and “department” for the second occurrence of “director”.

The 2021 amendment substituted “State Board of Private Career Education” for “Private Career Education Arbitration Panel” in (b)(2); in (c), substituted “resolution” for “arbitration” and “board” for “panel”; in (d) and (e), substituted “a hearing shall” for “arbitration must”; and substituted board” for “panel” in (f).

6-51-617. State Board of Private Career Education — Dispute resolution.

(a) The State Board of Private Career Education shall represent the sole authority to resolve disputes between a student and a school as to grievances relating to:

(1) The failure of the school to perform agreements made with the student; or

(2) An admissions representative’s misrepresentations in enrolling the student.

(b)(1) In resolving disputes, the board shall be exempt from judicial redress for failure to exercise skill or care in the performance of its duties.

(2) The proceeding, confirmation, or vacation of an award and appeal shall be conducted pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1989, No. 906, § 1; 1995, No. 1213, § 1; 2003, No. 1781, § 15; 2017, No. 565, § 15; 2019, No. 910, § 1902; 2021, No. 252, § 7.

Amendments. The 2017 amendment, in (b)(1), added “In consultation with” and inserted “the Director of the Department of Higher Education”.

The 2019 amendment substituted “Director of the Division of Higher Education” for “Director of the Department of Higher Education” in the first sentence of (b)(1).

The 2021 amendment, in the section heading and in the introductory language

of (a), substituted “State Board of Private Career Education” for “Private Career Education Arbitration Panel”; added “Dispute resolution” in the section heading; in the introductory language of (a), deleted “as referenced in this section” preceding “shall represent” and substituted “a school” for “schools”; deleted former (b) and redesignated former (c) as (b); in (b)(1), substituted “board” for “panel”; in (b)(2), deleted “arbitration” preceding “proceeding” and substituted “Arkansas Administrative Procedure Act, § 25-15-201 et seq.” for “Uniform Arbitration Act, § 16-108-201 et seq.”.

6-51-618. Fines.

(a) When the Division of Higher Education finds that a school is guilty of a violation of this subchapter or the rules of the division, it shall have the power and authority to impose a penalty on the school.

(b) Prior to the imposition of any penalty, the division shall hold an investigation and hearing after notice to the school.

(c)(1) Upon imposition of a penalty, the division shall have the power and authority to require that the school pay a penalty to the division

with regard to the violation, with the sanction that the license may be suspended until the penalty is paid.

(2) No penalty imposed by the division may exceed five hundred dollars (\$500) per violation.

(d) Any school dissatisfied with the penalties imposed may seek judicial review, provided the school files notice of appeal in Pulaski County Circuit Court within fifteen (15) calendar days immediately following the date of notification of this action by the Director of the Division of Higher Education.

(e) The power and authority of the division to impose these penalties shall not be affected by any other civil or criminal proceeding concerning the same violation.

History. Acts 1995, No. 1213, § 1; 2003, No. 1781, § 16; 2017, No. 565, § 16; 2019, No. 910, § 1903.

Amendments. The 2017 amendment substituted “department” for “board” throughout the section; in (a), substituted “Department of Higher Education” for “State Board of Private Career Education” and deleted “and regulations” following “rules”; and substituted “Director of the

Department of Higher Education” for “director” in (d).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a); substituted “division” for “department” throughout the section; and substituted “Director of the Division of Higher Education” for “Director of the Department of Higher Education” in (d).

6-51-619. Subpoenas and subpoenas duces tecum.

(a) The Division of Higher Education shall have the power to issue subpoenas and subpoenas duces tecum in connection with both its investigations and hearings.

(b) A subpoena duces tecum may require any book, writing, document, or other paper or thing which is germane to an investigation or hearing conducted by the division.

(c)(1) Service of a subpoena shall be as provided by law for the service of subpoenas in civil cases in the circuit courts of this state, and the fees and mileage of officers serving the subpoenas and of witnesses appearing in answer to the subpoenas shall be the same as provided by law for proceedings in civil cases in the circuit courts of this state.

(2)(A) The division shall issue a subpoena or subpoena duces tecum upon the request of any party to a hearing before the division.

(B) The fees and mileage of the officers serving the subpoena and of the witness shall be paid by the party at whose request a witness is subpoenaed.

(d)(1) In the event a person shall have been served with a subpoena or subpoena duces tecum as provided in this section and fails to comply therewith, the division may apply to the circuit court of the county in which the division is conducting its investigation or hearing for an order causing the arrest of the person and directing that the person be brought before the court.

(2) The court shall have the power to punish the disobedient person for contempt as provided by law in the trial of civil cases in the circuit courts of this state.

History. Acts 1995, No. 1213, § 1; “State Board of Private Career Education” 2017, No. 565, § 17; 2019, No. 910, in (a).
§ 1904.

Amendments. The 2017 amendment substituted “department” for “board” throughout the section; and substituted “Department of Higher Education” for “division” for “department” throughout the section.

6-51-620. Bond.

(a)(1) Each school licensed under this subchapter shall maintain a surety bond during its licensure.

(2) The surety bond shall be submitted to the Division of Higher Education on or before the expiration date of the bond.

(3) The bond shall be for the period during which the license is issued.

(4)(A) The surety bond shall be conditioned to provide indemnification to any student or enrollee who suffers loss or damage as a result of:

(i) A violation of a provision of this subchapter or any rule of the division by the school or its officers, admissions representatives, or employees;

(ii) The failure or neglect of the school to faithfully perform all agreements, express or otherwise, with the student, enrollee, one (1) or both of the parents of the student or enrollee, or a guardian of the student or enrollee, as represented by the application for licensure and the materials submitted in support of that application; or

(iii) An admissions representative’s misrepresentation in procuring the student’s enrollment.

(B)(i) A surety on that bond may be released after the surety has made a written notice of at least thirty (30) days before the release.

(ii) However, a surety may not be released from the bond unless all sureties on the bond are released.

(C)(i) The license shall be suspended when that school is no longer covered by a surety bond meeting the required amount.

(ii) The division shall notify the school in writing at least ten (10) days prior to release of the surety or sureties that the license is suspended until another surety bond is filed in the manner and amount required under this subchapter.

(5) The bond shall be based on gross tuition, meaning the total amount collected by a school during the most recently completed twelve-month fiscal year, reduced only by the amount of refunds paid during the fiscal year, for tuition, application fees, registration fees, and those other fees deemed appropriate by rule of the division.

(6) The division shall determine the sum of each surety bond based upon the following guidelines:

(A) Except as provided in subdivisions (a)(6)(B) and (C) of this section, a school shall procure and maintain a bond equal to ten percent (10%) of the gross tuition with a minimum bond amount of

five thousand dollars (\$5,000) with the maximum bond amount to be determined by the division;

(B) Schools that have no gross tuition charges assessed for the previous year shall secure and maintain a surety bond in the amount of ten thousand dollars (\$10,000); and

(C) Schools that have a total cost per program of three thousand dollars (\$3,000) or less shall not be required to have a bond.

(7)(A) The bond shall be a surety bond issued by a company authorized to do business in this state.

(B) The bond shall be to the state to be used for payment of a tuition refund due to a student or potential student.

(b) A surety bond is not required for licensees approved by the division on April 10, 1995, that maintain continuous licensure.

(c) A right of action shall not accrue on the surety bond to or for the use of any person or entity other than the obligee named in the bond or the heirs, executors, administrators, or successors of the obligee.

History. Acts 1995, No. 1213, § 1; 2003, No. 1781, §§ 17-19; 2017, No. 565, § 18; 2019, No. 755, § 6; 2019, No. 910, §§ 1905-1911.

Amendments. The 2017 amendment substituted “department” for “board” throughout the section; substituted “Department of Higher Education” for “State Board of Private Career Education” in (a)(2); substituted “rule of the department” for “rule or regulation of this board” in (a)(4)(A)(i); substituted “rule of the department” for “rule and regulation of the board” in (a)(5)(A); redesignated former

(a)(7) as (a)(7)(A) and (B); and, in (c), substituted “A” for “No” and inserted “not”.

The 2019 amendment by No. 755 deleted (a)(5)(B) and redesignated (a)(5)(A) as (a)(5).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a)(2); substituted “division” for “department” throughout the section; and substituted “subchapter” for “chapter” in (a)(4)(C)(ii).

6-51-622. Noncommercial driver training instruction.

(a) A person teaching or instructing a person seventeen (17) years of age or younger to drive a noncommercial motor vehicle or a motorcycle shall offer the minimum amount of driver training to the student driver as prescribed by this section.

(b) The minimum requirements for classroom driver training instruction for noncommercial motor vehicles shall consist of:

(1) Thirty (30) hours or more of classroom instruction on driving techniques and rules of the road in Arkansas, including six (6) hours of classroom instruction on traffic law changes that have occurred within the last ten (10) years; and

(2) Ten (10) hours of behind-the-wheel driving experience.

(c) The minimum requirements of correspondence programs for driver training instruction for noncommercial motor vehicles shall consist of:

(1) A maximum of twenty-eight (28) hours of correspondence work;

(2) A minimum of two (2) hours or more of classroom instruction on driving techniques and rules of the road in Arkansas; and

(3) Ten (10) hours of behind-the-wheel driving experience.

(d)(1) In consultation with the State Board of Private Career Education, the Division of Higher Education may promulgate reasonable rules to implement, enforce, and administer this section.

(2) The rules of the division shall be issued in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) The requirements for classroom driver training instruction for a motorcycle are:

(1) A minimum of five (5) hours of classroom instruction on driving techniques and rules of the road in Arkansas; and

(2) A minimum of ten (10) hours of actual motorcycle driving experience.

History. Acts 2001, No. 1756, § 1; 2009, No. 1478, §§ 5, 6; 2017, No. 565, § 19; 2019, No. 910, § 1912.

Amendments. The 2017 amendment, in (d)(1), added “In consultation with”, inserted “the Department of Higher Education” and deleted “and regulations” following “rules”; and substituted “rules of

the department” for “board’s regulations” in (d)(2).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (d)(1); and substituted “division” for “department” in (d)(2).

6-51-623. Defensive driving instruction.

A person shall not be required to obtain a license from the Division of Higher Education as a requirement for teaching or providing a course in defensive driving under a court-mandated defensive driving class.

History. Acts 2003, No. 768, § 1; 2017, No. 565, § 20; 2019, No. 910, § 1913.

Amendments. The 2017 amendment substituted “Department of Higher Education” for “State Board of Private Career Education”.

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education”.

6-51-624. Applicability.

This subchapter does not apply to a school or training program that offers only avocational or recreational instruction or teacher instruction for the following subjects:

- (1) Dance;
- (2) Music;
- (3) Yoga;
- (4) Horseback riding; or
- (5) Sewing, knitting, or other needlecrafts.

History. Acts 2015, No. 45, § 2.

SUBCHAPTER 7 — ASSOCIATE OF APPLIED SCIENCE DEGREE IN NURSING PROGRAM

SECTION.

6-51-701. Establishment of program — Definition.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-51-701. Establishment of program — Definition.

(a) The Division of Higher Education is hereby authorized to establish for the technical institutes or vocational-technical schools of this state an Associate of Applied Science Degree in Nursing Program.

(b)(1) A nursing program shall be established by the division. The nursing program shall be in accordance with the standards established by the Arkansas State Board of Nursing.

(2)(A) The course of instruction shall also be developed in such manner as to be accredited by the national accreditation association of nursing programs.

(B) The course of instruction shall allow for not more than twelve (12) semester hours of credit for previous nursing education or for nursing experience.

(C) A maximum of twenty-five (25) semester hours of credit by "general education" by challenge, the College Level Examination Program, shall be allowed.

(3) Students shall complete a transition course if required by the Arkansas State Board of Nursing which is in accordance with standards set by the Arkansas State Board of Nursing.

(c)(1) Any technical institute or vocational-technical school desiring to offer the nursing program may apply for approval to the Career Education and Workforce Development Board.

(2) If approval is granted, the school must then seek approval from the Arkansas State Board of Nursing.

(d)(1) The Career Education and Workforce Development Board is authorized to promulgate rules necessary to implement this subchapter.

(2) The rules shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) Courses of instruction shall be designed to enable the student completing the program to qualify for licensure as a registered nurse upon taking and passing the examination required by the Arkansas State Board of Nursing.

(f)(1) The program of instruction as authorized in this subchapter may be offered to licensed practical nurses or licensed psychiatric technician nurses duly licensed by the Arkansas State Board of Nursing.

(2) For admittance to the nursing program, the nurse must have:

(A) A minimum of two thousand (2,000) total hours of documented work and occupational experience in a healthcare institution; and

(B) Documentation from an official of a healthcare institution that the candidate has been an employee for the required length of time.

(3) For purposes of this subsection, a "healthcare institution" means a hospital, a long-term-care facility, a medical doctor's office or clinic, an outpatient clinic, a residential care facility, any of several state agencies, or employment as a public health, industrial, or school nurse.

History. Acts 1989, No. 66, § 1; 1999, No. 1323, §§ 41, 42; 2019, No. 315, § 351; 2019, No. 910, §§ 1914, 1915.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (d)(1) and in (d)(2).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Career Education" in (a); and substituted "division" for "department" in (b)(1).

SUBCHAPTER 8 — COMMUNITY-BASED EDUCATION CENTERS

SECTION.

6-51-801. Criteria for centers.

6-51-805. Creation of general advisory council.

6-51-801. Criteria for centers.

(a) The State Board of Education shall review criteria established by the Career Education and Workforce Development Board that must be met by any secondary vocational center requesting permission to become a community-based education center.

(b)(1) The board shall periodically review and revise, if necessary, the community-based education center criteria.

(2) Such centers may include:

(A) Offerings of traditional vocational-technical education during regular school hours;

(B) Extended day programs so that students may attend the center for vocational instruction after regular school hours;

(C) Adult basic education or general adult education programs;

(D) Adult skill training and retraining for the general population;

(E) Industry start-up and retraining; and

(F) Workplace literacy.

(c) Any secondary vocational center which satisfies the criteria established by the board pursuant to this section, in accordance with procedures to be adopted by the board, may seek approval from the board to become a community-based education center. Upon approval by the board of any such application, the school may change its name to _____ Community-Based Education Center.

(d) The secondary area vocational centers which elect to provide enhanced education and training employment or retraining services appropriate to area industry and business needs may request from the board that they be designated as community-based education centers.

(e) A list of new and existing programs shall be published annually on the Division of Career and Technical Education's and Office of Skills Development's website.

History. Acts 1991, No. 228, § 1; 1995, No. 1194, § 16; 1999, No. 1323, § 43; 2021, No. 545, §§ 20, 21.

Amendments. The 2021 amendment substituted "State Board of Education

shall review criteria established by the Career Education and Workforce Development Board" for "State Board of Career Education shall establish criteria" in (a); and added (e).

6-51-805. Creation of general advisory council.

(a) The State Board of Education shall operate as a coordinating board for community-based education centers.

(b)(1) Furthermore, the governing board of a community-based education center is encouraged to create a general advisory council.

(2) Such general advisory council shall provide advice on programs of the school, including data that reflects the needs of business and industry served by the community-based education center.

History. Acts 1991, No. 228, § 4; 2007, No. 827, § 118; 2021, No. 545, § 22.

Amendments. The 2021 amendment, in (a), substituted "State Board of Education" for "State Board of Career Educa-

tion", and substituted "operate as a coordinating board for community-based education centers" for "relate to the community-based education centers as a coordinating board".

SUBCHAPTER 9 — POSTSECONDARY VOCATIONAL AND TECHNICAL EDUCATION

SECTION.

6-51-901. Purpose.

6-51-902. Accountability measures and performance indicators.

6-51-904. Duties of local board for technical institutes.

6-51-905. Technical institutes.

SECTION.

6-51-906. Comprehensive lifelong learning centers.

6-51-907. Expanded associate degrees instruction — College transfer courses.

Effective Dates. Acts 2015, No. 923, § 34: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the

appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2015 is essential to the operation of the agency for which the appropriations in this Act are provided;

with the exception that Section 24 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2015, with the exception that Section 24 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2015; with the exception that Section 24 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-51-901. Purpose.

It is the purpose of this subchapter to initiate a broad array of legislative authority whose purpose it is to:

- (1) Upgrade the quality and quantity of postsecondary vocational and technical education;
- (2) Permit the expansion of programs leading to associate of applied science degrees; and
- (3) Augment the Arkansas Higher Education Coordinating Board by increasing its membership that is representative of business and industry, including the service-oriented industries in Arkansas.

History. Acts 1991, No. 773, § 1; 2019, No. 910, § 1916.

substituted "Arkansas Higher Education Coordinating Board" for "State Board of Career Education" in (3).

Amendments. The 2019 amendment

6-51-902. Accountability measures and performance indicators.

(a)(1) All postsecondary vocational-technical schools, technical institutes, and comprehensive lifelong learning centers within the State of Arkansas shall present to the Arkansas Higher Education Coordinating Board and the Division of Higher Education a report reflecting a satisfactory level of performance-based system of accountability measures and performance indicators as defined in this section.

(2) The report shall be filed with the board and the division annually.

(b) In order to promote a coordinated system of postsecondary vocational and technical education in Arkansas and to provide an effective delivery system, the board shall:

(1) Review, evaluate, and coordinate budget requests for the institutions in the system; and

(2)(A) Develop a system of accountability measures and performance indicators to be used as the basis for budget requests.

(B) The system of accountability measures and performance indicators shall incorporate, as a minimum, the following:

(i) Student attainment of academic and vocational and technical skill proficiencies;

(ii) Student attainment of a diploma, skill certificate, or recognized postsecondary credential;

(iii) Student placement, retention, and completion of postsecondary or advanced training, employment, or military service;

(iv) Student participation in and completion of programs of non-traditional training and employment;

(v) Cost effectiveness as measured by cost per contact hour of instruction;

(vi) Business and industry services as measured by the number of contact hours of instruction for specific business and industry courses; and

(vii) The degree to which local support has been obtained by the institution as evidenced by:

(a) Private sector cash and in-kind donations;

(b) Support from local units of government;

(c) Foundations; and

(d) Other such nonstate sources as may be appropriate.

(c) With the exception of a special funding appropriation, all state funds shall be requested by the board for the technical institutes, postsecondary vocational-technical schools, and comprehensive lifelong learning centers based on a funding formula to be developed and approved by the board and shall be based upon the accountability measures and performance indicators enumerated in this section.

(d) Upon the failure to find that satisfactory progress is being made by the school, the board shall dissolve the operation of the school or convert the school to an adult education center, a secondary vocational center, or another appropriate role and function.

(e) For purposes of standardized reporting and accountability only, the board shall develop for all postsecondary vocational schools, technical institutes, and comprehensive lifelong learning centers a reporting system for headcount enrollment and full-time-equivalency enrollment which is consistent with policies followed by the board.

(f) [Repealed.]

History. Acts 1991, No. 773, §§ 7-10; 1999, No. 1158, § 1; 2019, No. 910, §§ 1917-1919; 2021, No. 497, § 3.

Amendments. The 2019 amendment substituted "Arkansas Higher Education Coordinating Board" for "State Board of Career Education" throughout (a) through

(d); substituted "Division of Higher Education" for "Department of Career Education" in (a)(1); substituted "division" for "department" in (a)(2); deleted "the State Board of Career Education, after consultation with" following "accountability only" in (e); and, in (f), deleted "presently"

preceding “structured”, and substituted “Department of Corrections” for “State Board of Career Education”.

The 2021 amendment repealed (f).

6-51-904. Duties of local board for technical institutes.

(a) The powers and duties of the local board shall be as follows:

(1) To acquire, hold, and transfer real and personal property, to enter into contracts, to institute and defend legal actions and suits, and to exercise such other rights and privileges as may be necessary for the management and administration of the technical institute;

(2) To determine a minimum level for student tuition and fees to be charged by the technical institute, including without limitation penalty fees;

(3) To appoint from the candidates certified by the Arkansas Higher Education Coordinating Board and approved by the Governor, the president of the technical institute or director of the comprehensive lifelong learning center;

(4) To appoint, upon nomination of the president or director, the members of the administrative and teaching staffs;

(5) To determine, with the approval of the Arkansas Higher Education Coordinating Board, the educational program of the institution; and

(6) Other powers and duties as provided in this subchapter including without limitation those relating to accountability measures and performance indicators under § 6-51-902.

(b) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the technical institutes and comprehensive lifelong learning centers shall be transferred from the Arkansas Higher Education Coordinating Board to the local boards of directors.

(c) The local board may make rules not inconsistent with the provisions of this subchapter or inconsistent with the rules of the Arkansas Higher Education Coordinating Board as are necessary for the proper administration and operation of the institution.

(d) The local board may contract with a nonprofit organization or a local school district board of directors within its service area to offer secondary-level general academic and vocational and technical courses and programs, adult literacy courses, or both.

History. Acts 1991, No. 773, § 2; 1997, No. 803, § 9; 2013, No. 594, § 1; 2015, No. 923, § 31; 2019, No. 315, § 352; 2019, No. 910, §§ 1920, 1921.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” twice in (c).

The 2019 amendment by No. 910 substituted “Arkansas Higher Education Co-

ordinating Board” for “Career Education and Workforce Development Board” in (a)(3) and (a)(5); and substituted “including without limitation those relating to accountability measures and performance indicators under § 6-51-902” for “or as delegated to it by the Career Education and Workforce Development Board” in (a)(6).

6-51-905. Technical institutes.

(a) A technical institute may offer programs which lead to an Associate of Applied Science degree.

(b) Each technical institute shall operate within a service area assigned by the Arkansas Higher Education Coordinating Board.

(c)(1) The board of directors of the technical institute may contract with existing institutions of higher education for the operation of any associate degree programs offered at the institute.

(2) Such programs must be approved by the Arkansas Higher Education Coordinating Board and may be offered either on-site at the institute or at a satellite location.

(d)(1) Any degree at or above the associate degree level offered at a technical institute or any state-supported postsecondary institution must be approved by the Arkansas Higher Education Coordinating Board.

(2) Those degrees offered at a technical institute must be awarded by an Arkansas higher education institution accredited by an accrediting agency recognized by the United States Department of Education.

(3) Any such degree program must be offered through the institute's center for collegiate instruction.

(e)(1)(A) The technical institute shall be required to establish a policy that specifically outlines a plan to work with local business, industry, and agriculture to meet technological and training needs.

(B) The plan shall be submitted annually to the local board of directors and the Arkansas Higher Education Coordinating Board for approval.

(C) The plan shall incorporate a study of local needs, including interviews with local business, industry, and agriculture.

(2)(A) The technical institute shall be required to offer courses to address business, industry, and agricultural needs, and when appropriate, teach the course at those sites.

(B) The technical institute may use adjunct faculty or professors under contract to meet this requirement.

History. Acts 1991, No. 773, § 3; 2015, substituted "Arkansas Higher Education No. 865, § 1; 2019, No. 910, §§ 1922, Coordinating Board" for "Career Education and Workforce Development Board" 1923.

Amendments. The 2019 amendment in (b) and (e)(1)(B).

6-51-906. Comprehensive lifelong learning centers.

(a) Schools not converting to technical institutes as provided by other sections of this subchapter, or community colleges under existing law, shall expand program offerings and become a comprehensive lifelong learning center.

(b) The Arkansas Higher Education Coordinating Board shall establish criteria and program expansions which would require all remaining postsecondary vocational-technical schools to become comprehensive lifelong learning centers.

(c)(1) When a postsecondary vocational-technical school meets the criteria for becoming a comprehensive lifelong learning center as established by the Arkansas Higher Education Coordinating Board, the school shall make application to the Arkansas Higher Education Coordinating Board seeking that it be designated as such.

(2) Each comprehensive lifelong learning center shall operate within a service area assigned by the Arkansas Higher Education Coordinating Board.

(3)(A) Each comprehensive lifelong learning center may operate satellite campuses apart from the campus of the main center but within the service area of the center.

(B) The establishment, locations, and number of satellite campuses of a center must be approved by the Arkansas Higher Education Coordinating Board.

(4)(A) The board of directors of a comprehensive lifelong learning center may contract with existing institutions of higher education for the operation of any associate degree programs offered at the center, upon approval by the Arkansas Higher Education Coordinating Board.

(B) Any degree program at or above the associate degree level offered at a comprehensive lifelong learning center must be approved by the Arkansas Higher Education Coordinating Board and awarded by an Arkansas institution of higher education accredited by an accrediting agency recognized by the United States Department of Education.

(C) Any such degree program must be offered through the center's center for collegiate instruction.

(d)(1) The Arkansas Higher Education Coordinating Board shall periodically review the program offerings and curricula of the postsecondary vocational-technical schools to assure that lifelong learning opportunities exist for the population served.

(2) The comprehensive lifelong learning centers shall include offerings of:

(A) Workplace literacy programs consisting of remedial education, including adult basic education and general adult education;

(B) Occupational and technical preparation;

(C) Applied foundation courses in mathematics, science, communications, and technologies;

(D) Customized training and adult retraining programs;

(E) Apprenticeship work-based training programs;

(F) Other relevant education and training which meets the needs of the work force and which prepares the state's citizens for lifelong learning opportunities and a quality life; and

(G) May include courses leading to an associate of applied science degree, upon approval by the Arkansas Higher Education Coordinating Board.

(e)(1) Except as provided in this section, the construction, operation, and maintenance of the comprehensive lifelong learning center shall be financed by the state.

(2) Each comprehensive lifelong learning center, acting through its board, shall have the power to accept and receive gifts, grants, profits from auxiliary enterprises, local millages, and any other local funds to be used as local matching funds for capital outlay expenses of the center.

(3)(A) The comprehensive lifelong learning center shall be required to establish a plan that specifically outlines cooperative efforts with local industries and businesses to meet technological and training needs.

(B) The plan shall be submitted annually to the local board of directors and the Arkansas Higher Education Coordinating Board for approval.

(C) The plan shall incorporate a study of local needs, including interviews with local business and industry.

(4)(A) The comprehensive lifelong learning center shall be required to offer courses to address industry and business needs and, when appropriate, to teach the course at the business or industry site.

(B) The comprehensive lifelong learning center may use adjunct faculty or professors under contract to meet this requirement.

History. Acts 1991, No. 773, § 4; 2015, No. 865, § 2; 2019, No. 910, §§ 1924, 1925.

Amendments. The 2019 amendment substituted “Arkansas Higher Education Coordinating Board” for “Career Education and Workforce Development Board” in (b), (c)(1), (c)(2), (c)(3)(B), and (e)(3)(A); in (c)(1), substituted the second occurrence of “Arkansas Higher Education Co-

ordinating Board” for “board”; deleted “Career Education and Workforce Development Board and the” preceding “Arkansas Higher Education Coordinating Board” in the introductory language of (c)(4) [now (c)(4)(A)]; and substituted “center for collegiate instruction” for “Center for Collegiate Instruction” in (c)(4)(B) [now (c)(4)(C)].

6-51-907. Expanded associate degrees instruction — College transfer courses.

(a) Any Arkansas technical institute or comprehensive lifelong learning center desiring to offer college transfer courses or to increase the number of associate of applied science degrees being offered may initiate such college transfer courses or occupational degree programs under the provisions of this section upon approval of the Arkansas Higher Education Coordinating Board.

(b)(1) The Center for Collegiate Instruction, hereinafter called “the center”, means a legally designated collegiate center on the campus of a technical institute or a comprehensive lifelong learning center.

(2) The center shall be authorized to coordinate and offer college-level courses at such location.

(3) It shall comply with the established accreditation standards of the North Central Association of Colleges and Schools for the umbrella college or university which acts as the sponsor for the center.

(c)(1) Any technical institute or comprehensive lifelong learning center that desires to establish a collegiate center shall be required to

enter into a memorandum of understanding with the sponsoring colleges or universities.

(2) The guidelines for establishing the memorandum of understanding shall be developed by the board.

(d)(1) The associate degree programs to be offered at the center shall be developed by participating institutions and shall meet all the standards for accreditation by an accrediting agency recognized by the United States Department of Education.

(2) Associate degree programs offered through a center must be approved for implementation by the board.

(e)(1) Each university or college operating at least one (1) collegiate center shall designate a center director who shall manage the operation of the center and any subsequent satellite units which may be developed at other institutions.

(2) Each technical institute or comprehensive lifelong learning center shall designate a collegiate center coordinator who is to be responsible for the overall coordination of the center and its efficient operation.

History. Acts 1991, No. 773, § 5; 2015, No. 865, § 3; 2019, No. 910, § 1926.

Amendments. The 2019 amendment

deleted "in conjunction with the Career Education and Workforce Development Board" from the end of (c)(2).

SUBCHAPTER 11 — PROCEDURES TO FOLLOW UPON MERGER OF CROWLEY'S RIDGE TECHNICAL INSTITUTE TO EAST ARKANSAS COMMUNITY COLLEGE

SECTION.

6-51-1101. Merger.

6-51-1102. Board of directors.

6-51-1103. Purchasing.

6-51-1104. Transfer of assets, obligations, records, personnel, property, unexpended balances, and legal authority.

SECTION.

6-51-1105. Funding from the Work Force 2000 Development Fund.

6-51-1106. Funding from the Federal Adult Basic Education Fund.

A.C.R.C. Notes. Acts 2017, No. 636, § 2, as amended by Acts 2017, No. 1091, § 29, provided:

"(a) The General Assembly finds that:

"(1) Significant changes in the day-to-day operations of Crowley's Ridge Technical Institute before the effective date of a merger of Crowley's Ridge Technical Institute to East Arkansas Community College under § 6-51-1101 may impede the ability of Crowley's Ridge Technical Institute to merge seamlessly into East Arkansas Community College; and

"(2) Additional guidance and restrictions are necessary to assure a smooth

transition to the new institutional structure of East Arkansas Community College provided for by this act.

"(b) Except as provided in subsection (c) of this section, upon the vote of the Board of Directors of Crowley's Ridge Technical Institute to merge with East Arkansas Community College under § 6-51-1101(a)(1)(A) and before the effective date of a merger under § 6-51-1101(a)(2), Crowley's Ridge Technical Institute shall not:

"(1) Change its policies or procedures;

"(2) Terminate an employee of Crowley's Ridge Technical Institute;

“(3) Transfer an employee of Crowley’s Ridge Technical Institute to a different position;

“(4) Hire a new employee of Crowley’s Ridge Technical Institute; or

“(5) Destroy, mutilate, or alter documents, records, or other property maintained by Crowley’s Ridge Technical Institute or its employees unless the destruction, mutilation, or alteration is made in the normal course of business and the nature of and reason for the destruction, mutilation, or alteration are recorded.

“(c) Upon the approval of a merger of Crowley’s Ridge Technical Institute and East Arkansas Community College under § 6-51-1101(a)(1)(C) and before the effective date of a merger under § 6-51-1101(a)(2), the Board of Directors of East Arkansas Community College shall designate an individual to assume administration of Crowley’s Ridge Technical Institute.

“(d) If Crowley’s Ridge Technical Institute determines that performance of one (1) or more of the actions prohibited in subsection (b) of this section are necessary to appropriately perform the duties or functions of Crowley’s Ridge Technical Institute:

“(1) The Technical Institute Director or the Interim Technical Institute Director of Crowley’s Ridge Technical Institute may request that the designee under subsection (c) of this section permit performance of the action; and

“(2) The designee under subsection (c) of this section may grant or deny permission to perform the requested action.

“(e) Upon the approval of a merger of Crowley’s Ridge Technical Institute and East Arkansas Community College under § 6-51-1101(a)(1)(C) and before the effective date of a merger under § 6-51-1101(a)(2), Crowley’s Ridge Technical Institute shall provide to the designee under subsection (c) of this section any document, record, testimony, explanation, or other information maintained by Crowley’s Ridge Technical Institute or its employees upon the request of the designee.

“(f) Employees covered under Act 2017, No. 94 § 1 shall not receive a salary increase before January 1, 2018, including without limitation salary increases associated with the implementation of the new pay plan for state employees under §§ 21-5-209 and 21-5-211 regardless of whether an employee is below the minimum salary of his or her grade under the new pay plan.”

6-51-1101. Merger.

(a)(1) This subchapter shall govern the merger of Crowley’s Ridge Technical Institute and East Arkansas Community College if:

(A) The Board of Directors of Crowley’s Ridge Technical Institute votes to merge with East Arkansas Community College;

(B) The Board of Directors of East Arkansas Community College votes to accept the merger; and

(C) The merger is approved under § 6-53-401.

(2)(A)(i) When voting to accept a merger under subdivision (a)(1)(B) of this section, the Board of Directors of East Arkansas Community College shall designate a date for the merger to become effective.

(ii) The Board of Directors of East Arkansas Community College shall consult the Board of Directors of Crowley’s Ridge Technical Institute in determining the date under subdivision (a)(2)(A)(i) of this section.

(B) If a merger of Crowley’s Ridge Technical Institute and East Arkansas Community College is approved under § 6-53-401, the merger shall become effective on the date designated under subdivision (a)(2)(A)(i) of this section.

(b) On the effective date of a merger under subdivision (a)(2) of this section, all statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing, of Crowley's Ridge Technical Institute shall be transferred to East Arkansas Community College.

History. Acts 2017, No. 636, § 1.

A.C.R.C. Notes. Acts 2017, No. 636, § 4, provided:

"(a)(1) Within two hundred ten (210) days of the effective date of a merger under § 6-51-1101(a)(2), active employees of Crowley's Ridge Technical Institute on the effective date of a merger under § 6-51-1101(a)(2) who become employees of East Arkansas Community College may make a one-time choice between:

"(A)(i) The health insurance plan adopted by the State and Public School Life and Health Insurance Board for state employees; or

"(ii) The East Arkansas Community College health insurance plan; and

"(B)(i) Remaining in his or her same retirement system under the same conditions then provided by law or as may later be provided by law; or

"(ii) The East Arkansas Community College retirement system plan.

"(b) The Board of Directors of East Arkansas Community College shall promulgate rules establishing the procedure for employees to exercise benefit options under subsection (a) of this section."

Effective Dates. Acts 2017, No. 636, § 6, provided:

"(a) Section 3 of this act [which amends Acts 2017, No. 94, § 1] shall:

"(1) Become effective on the effective date of a merger under § 6-51-1101(a)(2); and

"(2) Expire on June 30, 2018.

"(b) Section 3 of this act shall not become effective if the effective date under subdivision (a)(1) of this section occurs after June 30, 2018."

6-51-1102. Board of directors.

On the effective date of a merger under § 6-51-1101(a)(2):

(1) The Board of Directors of Crowley's Ridge Technical Institute shall be abolished; and

(2) The Board of Directors of East Arkansas Community College shall assume the powers and duties of the Board of Directors of Crowley's Ridge Technical Institute.

History. Acts 2017, No. 636, § 1.

6-51-1103. Purchasing.

(a) Upon the vote of the Board of Directors of Crowley's Ridge Technical Institute to merge with East Arkansas Community College under § 6-51-1101(a)(1)(A) and before the effective date of a merger under § 6-51-1101(a)(2):

(1) Purchases by Crowley's Ridge Technical Institute shall be made under the Arkansas Procurement Law, § 19-11-201 et seq.; and

(2) Purchases by East Arkansas Community College may continue to be made under procedures that were applicable to East Arkansas Community College.

(b) This section shall not apply if a merger is not subsequently approved under § 6-51-1101(a).

History. Acts 2017, No. 636, § 1.

6-51-1104. Transfer of assets, obligations, records, personnel, property, unexpended balances, and legal authority.

Beginning on the effective date of a merger under § 6-51-1101(a)(2):

(1) All property and other rights, claims, and assets of Crowley's Ridge Technical Institute shall be transferred to East Arkansas Community College;

(2) All obligations of Crowley's Ridge Technical Institute shall be obligations of East Arkansas Community College;

(3)(A) Except as provided in subdivision (3)(B) of this section, all records, personnel, property, unexpended balances, and legal authority shall be transferred from Crowley's Ridge Technical Institute to East Arkansas Community College.

(B) If applicable, the personnel transferred from Crowley's Ridge Technical Institute to East Arkansas Community College shall comply with Acts 2017, No. 94, § 1, as amended by this subchapter; and

(4) All cash fund balances of Crowley's Ridge Technical Institute transferred to East Arkansas Community College shall be used for the operation, support, and improvement of occupational, vocational, technical, and workforce development programs of East Arkansas Community College.

History. Acts 2017, No. 636, § 1.

6-51-1105. Funding from the Work Force 2000 Development Fund.

Beginning on the effective date of a merger under § 6-51-1101(a)(2), funding from the Work Force 2000 Development Fund, which would have been provided to Crowley's Ridge Technical Institute, shall be provided to East Arkansas Community College to fund workforce development, vocational, occupational, and training programs offered by East Arkansas Community College.

History. Acts 2017, No. 636, § 1.

6-51-1106. Funding from the Federal Adult Basic Education Fund.

Beginning on the effective date of a merger under § 6-51-1101(a)(2), funding from the Federal Adult Basic Education Fund, which would have been provided to Crowley's Ridge Technical Institute, shall be provided to East Arkansas Community College.

History. Acts 2017, No. 636, § 1.

CHAPTER 52

VOCATIONAL AND TECHNICAL TRAINING

SUBCHAPTER.

1. ARKANSAS REHABILITATION SERVICES.
2. APPRENTICESHIP TRAINING PROGRAMS.

SUBCHAPTER 1 — ARKANSAS REHABILITATION SERVICES

SECTION.

- 6-52-101. Arkansas Rehabilitation Services.
- 6-52-102. Transfer of authority, property, etc.

SECTION.

- 6-52-103. Powers and duties.

A.C.R.C. Notes. Acts 2016, No. 194, § 24, provided: “As referenced in Section 1(B) of Act 653 of 2013, and Section 3(c) of Act 1518 and 1519 of 2013, the authorized funding for Pulaski Technical College for renovation, maintenance, critical maintenance, equipment, security enhancements and modifications to assure compliance with the Americans With Disabilities Act (ADA) at the Little Rock — West site, shall be deemed to also include or for renovation, maintenance, critical maintenance, equipment, security enhancements and modifications to assure compliance with the Americans With Disabilities Act (ADA) campus-wide.”

Cross References. Rehabilitation Act of Arkansas, § 20-79-201 et seq.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by

the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-52-101. Arkansas Rehabilitation Services.

(a) There is created Arkansas Rehabilitation Services as an entity within the Division of Workforce Services.

(b) The policy and scope of Arkansas Rehabilitation Services shall be to provide increased employment of individuals with disabilities through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society.

(c) Pursuant to such policy, rehabilitation services shall be provided to citizens throughout the state, and the rehabilitation plan adopted

pursuant to this subchapter shall be in effect in all political subdivisions of the state.

History. Acts 1993, No. 574, §§ 1, 2; 2019, No. 910, § 144.

Amendments. The 2019 amendment rewrote (a).

6-52-102. Transfer of authority, property, etc.

(a) All authorities and responsibilities defined in the Rehabilitation Act of Arkansas, § 20-79-201 et seq., shall be administered by Arkansas Rehabilitation Services under the direction of the Division of Workforce Services, except those transferred to the Division of State Services for the Blind by § 25-10-201 et seq.

(b) Any and all statutory authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds transferred from the Division of Rehabilitation Services to the Department of Human Services by § 25-10-102 et seq. are hereby transferred to Arkansas Rehabilitation Services.

History. Acts 1993, No. 574, §§ 3, 6; 2019, No. 910, § 145.

Amendments. The 2019 amendment, in (a), inserted “the Rehabilitation Act of

Arkansas” and substituted “Division of Workforce Services” for “State Board of Career Education”; and made stylistic changes.

6-52-103. Powers and duties.

The Arkansas Workforce Development Board, through Arkansas Rehabilitation Services, shall provide the rehabilitation services authorized by this subchapter to eligible individuals with disabilities and those who can benefit from independent living services, determined by the agency to be eligible therefor, and, in carrying out the purposes of this subchapter, Arkansas Rehabilitation Services is authorized, among other things:

(1) To be the sole state agency to supervise and administer the rehabilitation services authorized by this subchapter except such part or parts as may be administered by a local agency in a political subdivision of the state, in which case Arkansas Rehabilitation Services shall be the sole agency to supervise such local agency in the administration of such part or parts; and

(2) To conduct research and compile statistics relative to the provision of services or the need of services of individuals with disabilities.

History. Acts 1993, No. 574, § 5; 2019, No. 910, § 146.

Amendments. The 2019 amendment

substituted “Arkansas Workforce Development Board” for “State Board of Career Education”; and made stylistic changes.

SUBCHAPTER 2 — APPRENTICESHIP TRAINING PROGRAMS

SECTION.

6-52-201. Definitions.

SECTION.

6-52-203. Rules.

SECTION.

6-52-204. Arkansas Apprenticeship Coordination Steering Committee.

6-52-205. Arkansas Apprenticeship Coordination Steering Committee — Duties.

SECTION.

6-52-206. Recommendations.

6-52-207. Training programs generally.

6-52-208. Duties of apprenticeship program sponsors.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-52-201. Definitions.

In this subchapter:

(1) "Apprenticeship training program" means a training program that provides on-the-job training, supplementary instruction, or related instruction in a trade or occupation that has been certified as an apprenticeable occupation by the United States Office of Apprenticeship;

(2)(A) "Pre-apprenticeship" means programs that provide instruction or training to increase math, literacy, and other vocational and prevocational skills needed to enter a registered apprenticeship program.

(B) "Pre-apprenticeship" programs are not:

(i) Registered with the United States Department of Labor during the term of the pre-apprenticeship training; or

(ii) Federally vetted, but a high-quality pre-apprenticeship should have a minimum of one (1) registered apprenticeship partner or a strong relationship with at least one (1) apprenticeship program, feature training and curriculum that aligns with that program, and include a wide range of support services designed specifically to help participants succeed;

(3) "Program sponsor" means any person, association, committee, business, or organization operating an apprenticeship program and in whose name the program is registered or is in the process of registration by the United States Office of Apprenticeship;

(4) "Related instruction" means organized off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeable trade;

(5) "Supplementary instruction" means a course of instruction for persons employed as journeymen craftsmen in an apprenticeable trade that is designed to provide new skills or upgrade current skills; and

(6) "Youth apprenticeship" means a registered apprenticeship program that has been validated by the United States Department of Labor or a state apprenticeship agency serving individuals between sixteen (16) and twenty-four (24) years of age and is sponsored by employers, labor management organizations, or other organizations.

History. Acts 1989, No. 684, § 1; 2019, No. 910, § 1927; 2021, No. 647, § 3.

Amendments. The 2019 amendment repealed the definition for "Vo-Tech".

The 2021 amendment added the definitions for "Pre-apprenticeship" and "Youth apprenticeship"; deleted the definitions

for "BAT", "Coordination committee", and "Preparatory instruction"; redesignated the remaining definitions accordingly; in (1), deleted "preparatory instruction" preceding "supplementary" and inserted "or occupation"; and inserted "business" in (3).

6-52-203. Rules.

The Office of Skills Development and the Arkansas Apprenticeship Coordination Steering Committee shall promulgate rules necessary to implement the provisions of this subchapter.

History. Acts 1989, No. 684, § 7; 2019, No. 910, § 147; 2021, No. 647, § 4.

Amendments. The 2019 amendment substituted "Office of Skills Development" for "Department of Career Education".

The 2021 amendment substituted "Arkansas Apprenticeship Coordination Steering Committee" for "State Apprenticeship Coordination Steering Committee".

6-52-204. Arkansas Apprenticeship Coordination Steering Committee.

(a)(1) The Governor shall appoint an Arkansas Apprenticeship Coordination Steering Committee composed of members with the following qualifications:

(A) One (1) member representing employer organizations;

(B) One (1) member representing labor unions or bargaining agents for members of apprenticeable trades;

(C) One (1) member representing the minority and female workforce who have knowledge of apprenticeship and are familiar with the needs of vocational and technical education;

(D) Two (2) members who teach or immediately supervise supplementary instruction or related instruction courses;

(E) Three (3) members representing employers who are actively utilizing registered apprenticeship who have knowledge of apprenticeship and are familiar with the needs of vocational and technical education;

(F) One (1) member representing the Division of Career and Technical Education who has knowledge of apprenticeship and is familiar with the needs of vocational and technical education;

(G) One (1) member representing a state supported two-year or four-year institution of higher education who has knowledge of

apprenticeship and is familiar with the needs of vocational and technical education;

(H) One (1) member representing the Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., workforce system who has knowledge of apprenticeship and is familiar with the needs of vocational and technical education; and

(I) One (1) member representing the Office of Skills Development.

(2) Members of the committee shall serve terms of four (4) years.

(3) Vacancies shall be filled for the unexpired portion of a term vacated.

(4) The Governor shall consult the Office of Skills Development before making an appointment under this subsection.

(5) Appointments made by the Governor under this subsection shall be subject to confirmation by the Senate.

(b) Advisory members of the committee shall include the following:

(1) Two (2) persons designated by the Office of Skills Development; and

(2) One (1) person designated by and representing the United States Office of Apprenticeship.

History. Acts 1989, No. 684, § 4; 1999, No. 1323, § 44; 2015, No. 1100, § 5; 2017, No. 540, § 5; 2019, No. 910, §§ 148, 149; 2021, No. 467, §§ 8-10; 2021, No. 647, § 5.

A.C.R.C. Notes. Pursuant to Acts 2021, No. 467, § 13, the amendments to subdivisions (b)(2) and (c)(1) of this section by Acts 2021, No. 467, §§ 9, 10, are superseded by the repeal of subdivision (b)(2) and subsection (c) by Acts 2021, No. 647, § 5.

Acts 2021, No. 467, § 13, provided: "CONSTRUCTION AND LEGISLATIVE INTENT. It is the intent of the General Assembly that:

"(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

"(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

"(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

"(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

"(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

"(B) Section 1-2-107 shall not apply; and

"(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987."

Amendments. The 2017 amendment substituted "Two (2) members" for "Five (5) persons" throughout (a)(1); and deleted "and the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship" following "Career Education" in (a)(4).

The 2019 amendment substituted "Office of Skills Development" for "Department of Career Education" in (b)(1) and (c)(1); and substituted "Division of Labor" for "Department of Labor" in (b)(2).

The 2021 amendment by No. 467 substituted "Office of Skills Development" for "Department of Career Education" in (a)(4), (b)(1), and (c)(1); and substituted "Division of Labor" for "Department of Labor" in (b)(2) (confirming 2019 codification changes).

The 2021 amendment by No. 647 substituted "Arkansas Apprenticeship Coordination Steering Committee" for "State Apprenticeship Coordination Steering Committee" in the section heading; and rewrote the section.

6-52-205. Arkansas Apprenticeship Coordination Steering Committee — Duties.

(a) The Arkansas Apprenticeship Coordination Steering Committee shall recommend to the Career Education and Workforce Development Board a statewide plan for the development of a comprehensive program of apprenticeship training that shall include but not be limited to the following:

(1) Formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training and apprenticeship expansion efforts;

(2) Forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship training programs and apprenticeship expansion efforts; and

(3) The content and method of the public notice required by this subchapter.

(b)(1) The Office of Skills Development shall furnish the committee with the current data necessary to develop the plan.

(2) All state boards and agencies shall cooperate with the committee and shall furnish information and material on request.

(c) Pursuant to this section, the reporting procedures shall be included in the state plan for apprenticeship.

History. Acts 1989, No. 684, §§ 5, 6; 2019, No. 910, § 150; 2021, No. 467, § 11; 2021, No. 647, § 6.

Amendments. The 2019 amendment substituted “Office of Skills Development” for “Department of Career Education” in (b)(1).

The 2021 amendment by No. 467 substituted “Career Education and Workforce Development Board” for “State Board of Career Education” in the introductory language of (a); and substituted “Office of Skills Development” for “Department of

Career Education” in (b)(1) (confirming 2019 codification changes).

The 2021 amendment by No. 647 substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee” in the section heading and in (a); added “and apprenticeship expansion efforts” in (a)(1) and (a)(2); substituted “committee” for “coordination committee” in (b)(1) and (b)(2); and made a stylistic change.

6-52-206. Recommendations.

(a) Recommendations of the Arkansas Apprenticeship Coordination Steering Committee submitted to the Office of Skills Development must be acted on and either accepted or rejected.

(b) A recommendation which is rejected must be returned immediately to the committee, accompanied by written notice of the reasons for rejecting the recommendation.

History. Acts 1989, No. 684, § 8; 2019, No. 910, § 151; 2021, No. 647, § 7.

Amendments. The 2019 amendment substituted “Office of Skills Development” for “Department of Career Education” in (a).

The 2021 amendment substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee” in (a); and substituted “committee” for “coordination committee” in (b).

6-52-207. Training programs generally.

(a) Under this subchapter, the Director of the Office of Skills Development shall allocate state funds for the support of apprenticeship training programs that meet the criteria stated in this subchapter.

(b) An apprenticeship training program may be cosponsored by a public school district, an education service cooperative, a state postsecondary institution, a vocational-technical school, or a two-year community college pursuant to a contract between the district or institution and an apprenticeship program sponsor.

(c) An apprenticeship training program shall be under the direction of an apprenticeship coordinator appointed by an apprenticeship program sponsor who shall perform the duties stated in § 6-52-208.

(d)(1) Each apprentice participating in an apprenticeship training program shall be given a written apprenticeship agreement by an apprenticeship program sponsor stating the standards and conditions of his or her employment and training.

(2) The apprenticeship agreements are furnished by the United States Office of Apprenticeship.

(e)(1) An apprentice shall not be charged tuition or fees by a public school district or state postsecondary institution.

(2)(A) However, an administrative fee may be charged to cover the costs of processing the records of an apprentice.

(B) The fee allowed under subdivision (e)(2)(A) of this section shall not exceed twenty-five dollars (\$25.00) for each course in which the apprentice is enrolled.

(3) The apprentice or an apprenticeship program sponsor may be required to furnish books and special equipment.

(f)(1) Funding for an apprenticeship training program, in addition to any other money available, shall be based on:

(A) Allocation of funds to an apprenticeship program sponsor by the Office of Skills Development, as referred to in subsection (a) of this section; or

(B) Terms of a contract between an apprenticeship program sponsor and a cosponsor, as referred to in subsection (b) of this section.

(2) An apprenticeship program sponsor may charge an apprentice or the employer of the apprentice tuition and fees to cover administrative costs incurred while the apprentice is registered with the apprenticeship program sponsor.

(g) The terms of the contract referred to in subsection (b) of this section shall require without limitation the following in order to effectively administer the apprenticeship training program in a manner consistent with the public's need for skilled workers and the apprentice's need for marketable skills in apprenticeable occupations:

- (1) Adequate facilities;
- (2) Personnel; and
- (3) Resources.

(h) An apprenticeship training program shall be registered with the United States Office of Apprenticeship and the Office of Skills Development.

History. Acts 1989, No. 684, § 2; 2007, No. 617, § 35; 2019, No. 369, § 3; 2019, No. 910, §§ 152, 153.

Amendments. The 2019 amendment by No. 369 substituted “Under” for “Pursuant to the provisions of” in (a); substituted “An apprenticeship training program may” for “A program must” in (b); substituted “An apprenticeship training program shall” for “A program must” in (c), (d)(1), and (h); redesignated (d) as (d)(1) and (d)(2); rewrote (e) and (f)(1); in

(f)(2), substituted “An apprenticeship program” for “The program”, and inserted “apprenticeship”; rewrote (g); inserted “of the United States Department of Labor” following “Office of Apprenticeship” in (h); and made stylistic changes.

The 2019 amendment by No. 910 substituted “Office of Skills Development” for “Department of Career Education” in (a) and (h); and substituted “United States Office of Apprenticeship” for “Office of Apprenticeship” in (h).

6-52-208. Duties of apprenticeship program sponsors.

(a) The apprenticeship program sponsor of each apprenticeship training program shall:

(1) Establish standards and goals for supplementary instruction and related instruction for apprentices in the program;

(2) Establish rules governing the on-the-job training and other instruction for apprentices in the program;

(3) Plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;

(4) Recommend qualified instructors for the program;

(5) Monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole; and

(6) Interview applicants and select those most qualified for entrance into the program.

(b) A program must provide for the keeping of records of the on-the-job training and progress of each apprentice.

(c) A program must require instructors to maintain recommended qualifications.

(d) A program must perform any other duties which promote the goals of individual apprentices and of the program as a whole.

(e)(1) An apprenticeship program sponsor shall provide the names of the employers who enroll apprentices into the program to the Office of Skills Development on or before September 1 of each fiscal year.

(2) The office shall not publish the names of the employers who have enrolled apprentices, nor use the employer names for a purpose other than program administration and research, unless approved by the employer.

(3) The names of employers provided by apprenticeship program sponsors under this subsection shall be exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

History. Acts 1989, No. 684, § 3; 2021, No. 647, §§ 8, 9.

Amendments. The 2021 amendment

deleted "preparatory instruction" preceding "supplementary instruction" in (a)(1); and added (e).

CHAPTER 53

TWO-YEAR POSTSECONDARY EDUCATION REORGANIZATION ACT OF 1991

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS TECHNICAL AND COMMUNITY COLLEGE SYSTEM.
3. ADMINISTRATION.
4. CONVERSIONS AND CONSOLIDATIONS.
5. GRANTS FOR TECH-PREP EDUCATION.
6. TECHNICAL COLLEGE DISTRICTS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-53-103. Definitions.

Effective Dates. Acts 2015, No. 955, § 5: Apr. 2, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there are pending mergers involving community colleges; that this act is necessary to facilitate the pending mergers of community colleges; and that this act is immediately necessary because the merger will be finalized before this act would become effective without an emergency clause. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2017, No. 71, § 3: Jan. 30, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that clearly established procedures are a necessary com-

ponent of a successful merger of a technical college with a four-year institution of higher education or a university system; that clarity is needed in the law regarding the general authority of the board of trustees and the respective roles of a governing board and a board of visitors when a technical college merges with a four-year institution of higher education or a university system; and that this act is immediately necessary to ensure that mergers of a technical college with a four-year institution of higher education or a university system can proceed without confusion as to the role of the respective boards that would otherwise cause harm to the merging institutions. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-53-103. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Branch campus of the community college" means an institution with facilities located apart from the community college campus but within the community college district;

(2)(A) "Capital outlay expense" means those funds devoted to or required for:

(i) The acquisition and improvement of land;

(ii) The acquisition, construction, remodeling, alteration, addition, or enlargement of buildings or other structures; and

(iii) The initial purchase of library holdings, furniture, apparatuses, and other equipment for a new or expanded facility as defined by the Arkansas Higher Education Coordinating Board.

(B) "Capital outlay expense" excludes those expenses used for maintenance and replacement of equipment and furniture;

(3) "Community college" means an institution of higher education established or to be established under the provisions of this chapter dedicated primarily to the educational needs of the service area and offering a comprehensive program, including, but without limitation, vocational, trade, and technical specialty courses and programs, college transfer courses, and courses in general adult education;

(4) "Department" means the Division of Higher Education;

(5) "District" means the geographic area located within one (1) or more counties or cities or any described combination thereof or any described area which may be in one (1) or more counties or parts of counties but within the same service area which is directly responsible for the local financial support and local administration of an institution located within its service area;

(6) "Existing community college" means a community college established in accordance with the provisions of and presently operating in conformity with Arkansas Constitution, Amendment 52, and §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603;

(7)(A) "Local board" means the governing body of a technical college or community college.

(B) A local board for a community college or a technical college may be the board of trustees of a four-year institution of higher education or the board of trustees of a university system in the case of a merger under § 6-61-520(e) or § 6-53-302(k);

(8)(A) "Operating expense" means those educational and general funds devoted to or required for the regular or ordinary expense of the college, including administrative, maintenance, and salary expenses but excluding capital outlay expenses, student activity expenses, and expenses for intercollegiate athletics.

(B) "Operating expense" includes maintenance and replacement of furniture and equipment, including motor vehicles;

(9) "Satellite campus" means an institution or off-campus facility of a community college located within a service area of a technical or community college but not located within a community college district;

(10)(A) "Service area" means the geographic area assigned by the Arkansas Higher Education Coordinating Board as the area to be served by the institution located within its borders.

(B) Each county in the state shall be assigned to at least one (1) service area;

(11) "State board", "board", or "full board" means the Arkansas Higher Education Coordinating Board;

(12) "System institution" means a technical college or community college; and

(13) "Technical college" means an institution of higher education established under this chapter dedicated primarily to the educational needs of the service area and offering a comprehensive program, including, but without limitation, vocational, trade, and technical specialty courses and programs, courses in general adult education, and courses comparable in content and quality to freshman and sophomore courses which may carry transfer credit to a four-year institution in a chosen course of study.

History. Acts 1991, No. 1244, § 3; 1995, No. 576, § 1; 1997, No. 1114, § 6; 2015, No. 955, § 1; 2017, No. 71, § 1.

Amendments. The 2017 amendment, in (7)(B), inserted "or a technical college" and added "or § 6-53-302(k)" at the end.

SUBCHAPTER 2 — ARKANSAS TECHNICAL AND COMMUNITY COLLEGE SYSTEM

SECTION.

6-53-203. Duties and powers of Arkansas Higher Education Coordinating Board.

6-53-206. Equipment pool.

SECTION.

6-53-209. Interim accreditation and governance.

6-53-210. Transfers to system after July 1, 1991.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-53-203. Duties and powers of Arkansas Higher Education Coordinating Board.

(a) In order to promote a coordinated system of two-year postsecondary education in Arkansas, to provide an effective delivery system for adult education programs, and to assure an orderly and effective development of a system of publicly and locally supported institutions, the Arkansas Higher Education Coordinating Board shall have the following powers and duties:

(1) To function as a coordinating body between the technical and community colleges in the system and the public schools, universities, state colleges, and other educational institutions in Arkansas;

(2) To determine service areas containing all counties within the state and to recommend adoption of such service areas to the full board, which shall designate which system institution within the service area shall be responsible for fulfillment of the two-year postsecondary educational needs of the service area;

(3)(A) To review, evaluate, and coordinate budget requests for the institutions in the system.

(B)(i) The full Arkansas Higher Education Coordinating Board shall present to the General Assembly and to the Governor prior to each regular session of the General Assembly a single budget report containing the recommendations for separate appropriations to each of the respective institutions.

(ii) The recommendations will be consistent with a comprehensive master plan of two-year postsecondary education in Arkansas adopted by the Arkansas Higher Education Coordinating Board.

(iii) The recommendations, insofar as possible, will be based upon standard techniques of objective measurement of need and unit cost figures arrived at through comparative data secured from the several institutions.

(iv) Specific needs of institutions based upon existing programs and deficiencies will be given consideration;

(4)(A) To develop, in conjunction with the institutions, the Governor, and the Legislative Council, a single set of budget forms which will be utilized by all parties in making requests and recommendations for the funding of two-year postsecondary institutions in the system.

(B) The forms and process will require that the total income and expenditures of each institution must be considered in the request process;

(5) To determine, in coordination with the Legislative Joint Auditing Committee, that state funds are used in conformity with the grants of such funds;

(6) To determine a minimum level for student tuition and fees to be charged by institutions within the system in regard to the funding formula;

(7) To plan, in cooperation with the Career Education and Workforce Development Board, the allocation of federal funds for instructional

programs and student services, including funds for vocational and technical education, retraining, adult basic education, and general adult education;

(8) To recommend to the General Assembly the location and priorities for establishment or expansion of institutions or for abolition of institutions; and

(9)(A) To develop a standardized method of calculating the full-time equivalent enrollment for use by each two-year postsecondary institution in this state.

(B) Such calculation shall provide for the inclusion of students attending off-campus programs offered by the institution.

(b) The Arkansas Higher Education Coordinating Board shall develop and maintain short-range and long-range plans for providing current and appropriate occupational and technical training for adults and may solicit information for its planning activities from the State Board of Education, the Division of Workforce Services, any industry training program of the state, any apprenticeship training program of the state, and other state agencies, institutions, and departments.

(c) The Arkansas Higher Education Coordinating Board shall have approval or disapproval authority over all future conversions of state-supported postsecondary vocational-technical institutions to technical colleges and all consolidations of postsecondary vocational-technical institutions with community colleges or four-year institutions or their branches which must be authorized by the General Assembly.

(d) The Arkansas Higher Education Coordinating Board shall recommend and review proposals for the establishment of curricula and for major changes in curricula of institutions within the system. It shall emphasize flexibility in responding to local business and industry needs.

(e)(1) The Arkansas Higher Education Coordinating Board shall define the requirements of appropriate degrees and certificates and authorize the award thereof in the institutions within the system.

(2) The Arkansas Higher Education Coordinating Board shall approve all degree programs at the associate degree level or above at any state-supported postsecondary institution, including those established and administered under § 6-51-701 et seq.

(f) The Arkansas Higher Education Coordinating Board shall cooperate with the board of directors of any school district to encourage the use and sharing of facilities and staff in the offering of secondary vocational programs, including instruction in agricultural subjects, trades, or industrial subjects.

History. Acts 1991, No. 1244, § 7; substituted "Division of Workforce Services" for "Department of Workforce Services" in (b).
1995, No. 854, § 3; 1997, No. 1114, § 9;
2019, No. 910, § 154.

Amendments. The 2019 amendment

6-53-206. Equipment pool.

The Division of Higher Education, in coordination with the institutions, shall develop an effective means of pooling surplus equipment for redistribution to other institutions. Such equipment pool arrangement may include the crediting of equipment values to the institution for equipment acquired from a source other than the state.

History. Acts 1991, No. 1244, § 11; substituted "Division of Higher Education" for "Department of Higher Education" in the first sentence.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in the first sentence.

6-53-209. Interim accreditation and governance.

(a) The Arkansas Higher Education Coordinating Board may act as the legal entity, governing board, and receiver of all property for any institution not accredited by an accrediting agency recognized by the United States Department of Education and seeking merger or consolidation with an existing institution of higher education during the interim period when approval of institutional change from an accrediting agency recognized by the United States Department of Education is being sought.

(b) Upon approval by an accrediting agency recognized by the United States Department of Education, all records, personnel, property, unexpended balances, and all legal authority shall pass from the Arkansas Higher Education Coordinating Board to the legal entity governing the newly merged or consolidated institution.

(c) The Arkansas Higher Education Coordinating Board may provide accreditation for a period of up to six (6) years to an institution governed by the Arkansas Higher Education Coordinating Board.

(d)(1) Until the Arkansas Higher Education Coordinating Board approves associate of applied science degrees for the institutions identified in § 6-53-301(a), no change in the educational mission of those institutions is intended or authorized by this chapter.

(2) The Career Education and Workforce Development Board shall show cause why accreditation of an institution should not be continued and provide twelve (12) months' notice of any action to withdraw accreditation of an institution.

(e) A postsecondary vocational-technical school other than those listed in §§ 6-53-301 and 6-53-404 that receives approval from the Arkansas Higher Education Coordinating Board and the General Assembly to begin the process of consolidation or merger with an existing institution of higher education shall be governed by the Arkansas Higher Education Coordinating Board under this section and § 6-53-302(f), (h), and (i) pending approval of the merger or consolidation from an accrediting agency recognized by the United States Department of Education.

(f) If a consolidation plan is not approved by an accrediting agency recognized by the United States Department of Education, § 6-53-301(f) shall apply to the postsecondary vocational-technical school or

technical college seeking merger or consolidation with an institution of higher education.

History. Acts 1991, No. 1244, § 18; 2019, No. 865, § 4.

6-53-210. Transfers to system after July 1, 1991.

(a) Following July 1, 1991, any existing postsecondary vocational-technical school transferring to the Arkansas Technical and Community College System shall do so only upon approval by the General Assembly and the recommendation of the Arkansas Higher Education Coordinating Board.

(b) Upon completion of the transfer to the system, the institution shall be subject to the same laws, procedures, and rules as all other institutions under the jurisdiction of the board.

History. Acts 1991, No. 1244, § 35; 2019, No. 315, § 353. substituted “and rules” for “rules, and regulations” in (b).

Amendments. The 2019 amendment

SUBCHAPTER 3 — ADMINISTRATION

SECTION.

6-53-301. Arkansas Technical and Community College System.

6-53-302. Local administration — Technical colleges.

SECTION.

6-53-306. Coordination with secondary vocational-technical education and literacy programs.

Effective Dates. Acts 2017, No. 71, § 3: Jan. 30, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that clearly established procedures are a necessary component of a successful merger of a technical college with a four-year institution of higher education or a university system; that clarity is needed in the law regarding the general authority of the board of trustees and the respective roles of a governing board and a board of visitors when a technical college merges with a four-year institution of higher education or a university system; and that this act is immediately necessary to ensure that mergers of a technical college with a four-year institution of higher education or a university system can proceed without confusion as to the role of the respective boards that would otherwise cause harm to the merging institutions. Therefore, an emergency is declared to exist, and this act being immediately nec-

essary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and

Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-53-301. Arkansas Technical and Community College System.

(a)(1) The Arkansas Higher Education Coordinating Board shall designate the following institutions as technical colleges which shall become part of the Arkansas Technical and Community College System under the coordination of the Arkansas Higher Education Coordinating Board:

- (A) Black River Technical College, Pocahontas;
- (B) Arkansas State University Mid-South, West Memphis;
- (C) North Arkansas College, Harrison;
- (D) Ozarka College, Melbourne;
- (E) South Arkansas Community College, El Dorado;
- (F) Southeast Arkansas College, Pine Bluff;
- (G) Cossatot Community College of the University of Arkansas, De Queen;
- (H) University of Arkansas — Pulaski Technical College, North Little Rock;
- (I) University of Arkansas Community College at Batesville, Batesville;
- (J) University of Arkansas Community College at Hope-Texarkana, Hope; and
- (K) University of Arkansas Community College at Morrilton, Morrilton.

(2) None of these institutions shall have the authority to request the Arkansas Higher Education Coordinating Board's approval for associate degree programs before July 1, 1993.

(b) A technical college may be expanded to offer courses of instruction in technical, vocational, and adult education programs and college transfer programs and may, upon a vote of the electorate, create a community college district and, if necessary, impose a millage to convert to a community college.

(c) Until the institution elects to become a community college, the institution shall be known as a technical college.

(d) Upon the appointment of the local board, all records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the state-supported postsecondary vocational-technical institutions shall be transferred to the local board.

(e) The local board shall be responsible for the administration and operation of the institution and shall be further responsible for the provision of services to meet the two-year postsecondary educational needs of those citizens located within the service area of the institution.

(f)(1) Any technical college which fails to achieve higher education institutional accreditation from the Higher Learning Commission

within eight (8) years following the date of transfer under subsection (d) of this section shall be abolished by the Arkansas Higher Education Coordinating Board.

(2) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the technical college shall be transferred to the Division of Higher Education.

History. Acts 1991, No. 1244, § 19; 1993, No. 423, § 4; 1995, No. 603, § 2; 1997, No. 1114, § 10; 2019, No. 910, § 1929.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (f)(2).

6-53-302. Local administration — Technical colleges.

(a) Each technical college established or operated under this chapter shall be governed by a local board of trustees consisting of seven (7) members who shall be appointed by the Governor and subject to the confirmation of the Senate.

(b) The term of office of local board members shall be seven (7) years.

(c) Members of the local board shall be qualified electors of the service area of the technical college and knowledgeable in business, labor, industry, or economic development.

(d)(1) A person shall not serve as a member of the local board if the person is:

- (A) A candidate for public office;
- (B) A holder of public office in the state;
- (C) A licensed or nonlicensed employee of a public school district;
- (D) A classified or nonclassified employee of:
 - (i) A community college;
 - (ii) A vocational school;
 - (iii) A technical school; or
 - (iv) An institution of higher education; or
- (E) A member of a board of trustees of a:
 - (i) School district;
 - (ii) Community college; or
 - (iii) Institution of higher education.

(2) A person shall not serve as a member of the local board if the person's spouse is:

- (A) A candidate for public office;
- (B) A holder of public office in the state;
- (C) A classified or nonclassified employee of the technical college for which the person would serve as a member of the local board; or
- (D) A member of the board of trustees of the technical college for which the person would serve as a member of the local board.

(e) When a vacancy occurs in the membership of the local board, the president of the technical college shall notify the Governor, who shall appoint a successor to the person who vacated membership, who will serve the unexpired term of the person succeeded.

(f) The powers and duties of the local board shall be as follows:

(1) To acquire, hold, and transfer real and personal property, to enter into contracts, to institute and defend legal actions and suits, and to exercise such other rights and privileges as may be necessary for the management and administration of the technical college;

(2) To appoint the president of the technical college;

(3) To appoint, upon nomination of the president, members of the administrative and teaching staffs;

(4) To determine, with the approval of the Arkansas Higher Education Coordinating Board, the educational program of the technical college; and

(5) Other powers and duties as provided in this chapter and as delegated to it by the Arkansas Higher Education Coordinating Board.

(g) The local board shall select a chair and such other officers as are necessary for the performance of its duties.

(h) The local board may make rules not inconsistent with the provisions of this chapter or inconsistent with the rules of the Arkansas Higher Education Coordinating Board as are necessary for the proper administration and operation of the technical college.

(i) The local board may contract with the Division of Career and Technical Education, with a nonprofit organization, or with a local school board within its service area to offer secondary level general academic and vocational and technical courses and programs or adult literacy courses, or both.

(j)(1) The local board of a technical college may contract with a municipality for:

(A) The transfer of real property, including any buildings or structures thereon from the college to the municipality;

(B) Any or all of the following:

(i) The construction, repair, and renovation of buildings or structures;

(ii) The construction of additions to buildings or structures; and

(iii) The provision of equipment, apparatuses, library materials, and fixtures for the buildings or structures by the municipality; and

(C)(i) The long-term lease of at least fifty (50) years of the buildings or structures by the municipality to the college for nominal monetary and other valuable consideration.

(ii) The leased building or structure shall be utilized by the college for educational and technical educational purposes.

(2) The college may expend funds under the Arkansas Existing Workforce Training Act of 1995, § 6-50-701 et seq., and the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq., and the college and the municipality may expend any other funds available pursuant to applicable law for the purposes set out in this subsection and for the operation of the facility or structure if the college receives a long-term lease of at least fifty (50) years.

(3) If pursuant to subdivision (j)(1) of this section the college receives a long-term lease of at least fifty (50) years, the college and the municipality are authorized jointly to do any or all of the following:

- (A) Construct, repair, and renovate buildings or structures;
- (B) Construct additions to buildings or structures; and
- (C) Provide equipment, apparatus, library materials, and fixtures for the buildings or structures.

(k)(1)(A) After a merger between a technical college and a four-year institution of higher education or a university system, control of the technical college shall be vested in the board of trustees of the four-year institution of higher education or the board of trustees of the university system.

(B) The board of trustees of the four-year institution of higher education or the board of trustees of the university system shall perform the functions, duties, and responsibilities of the former governing board of the technical college.

(2) After a merger under subdivision (k)(1) of this section, the former governing board of the technical college shall become a board of visitors performing the functions as determined by the board of trustees of the four-year institution of higher education or the board of trustees of the university system.

(3) Members of the board of visitors shall:

(A) Be appointed by the Governor subject to the confirmation of the Senate;

(B) Serve terms of seven (7) years;

(C) Possess the qualifications under subsection (c) of this section; and

(D) Be subject to the restrictions under subsection (d) of this section.

History. Acts 1991, No. 1244, § 17; 1995, No. 854, § 1; 1997, No. 481, § 1; 2009, No. 82, § 1; 2013, No. 1138, § 79; 2017, No. 71, § 2; 2019, No. 315, § 354; 2019, No. 910, § 1930.

Amendments. The 2017 amendment added (k).

The 2019 amendment by No. 315 deleted “and regulations” following “rules” twice in (h).

The 2019 amendment by No. 910 substituted “Division of Career and Technical Education” for “Department of Career Education” in (i).

6-53-306. Coordination with secondary vocational-technical education and literacy programs.

Upon the approval of the Arkansas Higher Education Coordinating Board, the local board may contract with the Division of Career and Technical Education, a nonprofit organization, or a local school district board of directors within its service area to offer secondary-level vocational and technical courses and programs, adult literacy courses, and industry training.

History. Acts 1991, No. 1244, § 14; 2019, No. 910, § 1931.

Amendments. The 2019 amendment

substituted “Division of Career and Technical Education” for “Department of Career Education”.

SUBCHAPTER 4 — CONVERSIONS AND CONSOLIDATIONS

SECTION.

6-53-401. Coordination with institutional boards of trustees.

6-53-402. Two-year branches — Conversion to technical college.

6-53-403. Technical colleges and two-year branches — Conversion to community college.

SECTION.

6-53-404. Technical colleges — Acceptance as branch campus of community college.

6-53-405. Consolidations.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-53-401. Coordination with institutional boards of trustees.

A merger or consolidation of a state-supported postsecondary vocational-technical institution with an existing community college, with a branch campus of a four-year institution, or with a four-year institution, is subject to the approval of the:

- (1) Board of directors or board of trustees of the existing community college or four-year institution; and
- (2) Arkansas Higher Education Coordinating Board.

History. Acts 1991, No. 1244, § 13; 2015, No. 865, § 5; 2017, No. 636, § 5.

Amendments. The 2017 amendment deleted "board of trustees of the institution, the Arkansas Higher Education Coordinating Board, and an accrediting

agency recognized by the federal Department of Education" following "approval of the" at the end of the introductory language; added (1) and (2); and made a stylistic change.

6-53-402. Two-year branches — Conversion to technical college.

(a) A board of trustees of a four-year institution may, by resolution or when requested, petition the Arkansas Higher Education Coordinating Board to accept a two-year branch campus to be a technical college under the Arkansas Higher Education Coordinating Board's jurisdiction.

(b) Upon approval by the Arkansas Higher Education Coordinating Board and an accrediting agency recognized by the United States Department of Education and upon assignment of a service area for the

institution, the two-year branch campus shall be known as a technical college.

(c) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the two-year branch campus shall be transferred to the Arkansas Higher Education Coordinating Board until a local board is appointed.

(d) Upon the appointment of a local board, all records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the technical college shall be transferred to the local board.

(e) The local board shall be responsible for the administration and operation of the technical college and such other state-supported institutions within the system located in the service area designated by the Arkansas Higher Education Coordinating Board as necessary to adequately meet the two-year postsecondary educational needs of those citizens located within the service area assigned to the technical college.

(f) Upon the establishment of the technical college, the two-year branch of the four-year institution shall be abolished.

(g)(1) A technical college established under this section that fails to achieve higher education institutional accreditation from an accrediting agency recognized by the United States Department of Education within eight (8) years following the date of conversion shall be abolished by the Arkansas Higher Education Coordinating Board.

(2) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the technical college shall be transferred to the Division of Higher Education.

(h)(1) No state-supported vocational and technical institution in this state other than those provided for by this chapter shall convert to become a technical college if there is an existing community college located within the same county as the vocational and technical institution.

(2) The local board of any state-supported postsecondary institution and the board of a community college located within the same county, upon passage of a resolution by each board and with the approval by the Arkansas Higher Education Coordinating Board and an accrediting agency recognized by the United States Department of Education, may merge the state-supported postsecondary institution with the community college.

History. Acts 1991, No. 1244, §§ 15, 21; 1991, No. 1246, § 11; 1995, No. 603, § 1; 2015, No. 865, §§ 6-8; 2019, No. 910, § 1932.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (g)(2).

6-53-403. Technical colleges and two-year branches — Conversion to community college.

(a)(1) The procedures for the conversion of a technical college or a two-year branch campus of a four-year institution to a community

college shall, except as set forth herein, be the same as those in § 6-61-101 et seq. concerning formation of a community college district, and the provisions of this section shall be cumulative to the laws of this state governing the creation and operation of community colleges.

(2) Any postsecondary vocational-technical school which converts to a technical college under the provisions of this chapter or any two-year branch campus whose board of trustees petitions the Arkansas Higher Education Coordinating Board under this chapter shall be exempt from § 6-61-509(c), limiting the maximum number of community college districts in this state to eight (8), and may hereafter convert to become a community college with the approval of the Arkansas Higher Education Coordinating Board.

(b) Prior to the election, the Arkansas Higher Education Coordinating Board shall assist any group of citizens representing a proposed community college district within the service area containing the technical college in determining the feasibility of the proposed district and the adequacy of the proposed millage levy, if any.

(c) A board of trustees of a four-year institution shall when requested petition the Arkansas Higher Education Coordinating Board to authorize an election for a two-year branch campus of the four-year institution to become a community college.

(d)(1) If a two-year branch campus of a four-year institution exists in the same county as either a postsecondary vocational-technical institution or a technical college, the question on the ballot for formation of a community college district shall include the establishment of a community college composed of the two-year branch campus of the four-year institution and the postsecondary vocational-technical institution or technical college.

(2) In the event that an election is called for the formation of a community college district which includes the formation of a community college composed of a two-year branch campus of a four-year institution and a technical college or a postsecondary vocational-technical institution, the costs of the election shall be paid for by the institutions which will comprise the community college.

(e)(1)(A)(i) Following the conversion of a technical college to a community college, the members of the local board of the technical college shall become members of the community college board, with two (2) additional board members to be appointed by the Governor.

(ii) The Arkansas Higher Education Coordinating Board shall then draw lots, with three (3) lots for two-year terms, three (3) lots for four-year terms, and three (3) lots for six-year terms.

(B) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the technical college shall be transferred to the local board of the community college.

(2) Upon the selection of the local board of the community college following the conversion of a two-year branch campus to a community college, the board of trustees of the four-year institution shall transfer all records, personnel, property, unexpended balances of appropria-

tions, allocations, or other funds of the two-year branch to the local board of the community college.

(f) Except as set forth otherwise in this chapter, the local board shall have the same powers and duties as those enumerated in § 6-61-101 et seq.

(g) The local board of the community college shall be responsible for the administration and operation of all satellite campuses.

(h) No millage tax of the community college district shall be used for capital outlay expense or operating expense of a satellite campus.

(i) Upon the establishment of the community college, the postsecondary vocational-technical institution, the technical college, and the two-year branch of the four-year institution shall be abolished.

(j)(1) Any community college established under this section which fails to achieve higher education institutional accreditation from the Higher Learning Commission within eight (8) years following the date of conversion shall be abolished by the Arkansas Higher Education Coordinating Board.

(2) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the community college shall be transferred to the Division of Higher Education.

History. Acts 1991, No. 1244, § 22; 1991, No. 1246, § 11; 1993, No. 423, §§ 5, 6; 1995, No. 603, § 3; 1997, No. 1114, § 11; 2019, No. 910, § 1933.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (j)(2).

6-53-404. Technical colleges — Acceptance as branch campus of community college.

(a) A board of trustees of a community college may, by resolution or when requested, petition the Arkansas Higher Education Coordinating Board to accept a technical college located in the same service area to be a branch campus of the community college.

(b) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the above-listed state-supported institutions within the service area of the community college shall be transferred to the local board.

(c) The local board of the community college shall be responsible for the administration and operation of all state-supported postsecondary vocational-technical institutions located within its service area and consolidated by this chapter.

(d)(1) Until such time as territory containing the vocational-technical institution is joined to the community college district, the institution shall be operated as and known as a satellite campus of the community college.

(2) In cases where the vocational-technical institution is located within the community college district, upon consolidation, such institution shall be known as a branch campus of the community college, or if situated in close proximity to an existing community college campus no name distinction need be made for such institution.

(e) No millage tax of the community college district shall be used for capital outlay expense or operating expense of a satellite campus.

(f) The procedures for reconstituting districts under § 6-61-518 shall be followed to join additional territory containing the satellite campus to the existing community college district.

(g) Following the passage of the question to join territory containing the satellite campus to the existing community college district or to impose an additional millage for the community college district, the institution shall be known as a branch campus of the community college.

(h)(1) Any satellite campus of a community college which fails to become a branch campus of the community college or which fails to achieve higher education institutional accreditation from the Higher Learning Commission within eight (8) years following the date of transfer under subsection (b) of this section shall be abolished by the Arkansas Higher Education Coordinating Board.

(2) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the satellite campus shall be transferred to the Division of Higher Education.

History. Acts 1991, No. 1244, § 20; substituted "Division of Higher Education" for "Department of Higher Education" in (h)(2).
1995, No. 603, § 4; 2019, No. 910, § 1934.

Amendments. The 2019 amendment

6-53-405. Consolidations.

(a)(1) As provided in this chapter or upon approval of the Career Education and Workforce Development Board, the board of trustees of the receiving institution, the Arkansas Higher Education Coordinating Board, and an accrediting agency recognized by the United States Department of Education, the Arkansas Higher Education Coordinating Board may consolidate a state-supported vocational-technical institution with a four-year institution or a two-year branch campus of a four-year institution.

(2) Following approval by an accrediting agency recognized by the United States Department of Education, the Arkansas Higher Education Coordinating Board, upon approval of the board of trustees of the receiving institution, shall consolidate the following state-supported vocational-technical institutions and four-year institutions or two-year branch campuses of a four-year institution: White River Vocational-Technical School with Arkansas State University-Beebe.

(b) The board of trustees of the four-year institution which receives a state-supported institution shall be responsible for the administration and operation of the state-supported institution.

(c) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the state-supported institution shall be transferred to the board of trustees.

History. Acts 1991, No. 1244, § 23; 2015, No. 865, § 9; 2017, No. 275, § 6.

Amendments. The 2017 amendment substituted “Arkansas Higher Education

Coordinating Board” for “board” preceding “may consolidate” in (a)(1); and substituted “Arkansas Higher Education Coordinating Board” for “board” in (a)(2).

SUBCHAPTER 5 — GRANTS FOR TECH-PREP EDUCATION

SECTION.

6-53-502. [Repealed.]

6-53-503. Applications for grants.

6-53-502. [Repealed.]

Publisher’s Notes. This section, concerning grants for tech-prep education, was repealed by Acts 2021, No. 545, § 23,

effective July 28, 2021. The section was derived from Acts 1991, No. 1244, § 29.

6-53-503. Applications for grants.

(a) Each consortium that desires to receive a grant under this subchapter shall submit an application to the director or the Arkansas Higher Education Coordinating Board, as appropriate, at such time and in such manner as the board shall prescribe through rule.

(b) Each application submitted under this subchapter shall contain a three-year plan for the development and implementation of activities under this subchapter.

History. Acts 1991, No. 1244, § 29; 2019, No. 315, § 355.

deleted “or regulation” following “rule” in (a).

Amendments. The 2019 amendment

SUBCHAPTER 6 — TECHNICAL COLLEGE DISTRICTS

SECTION.

6-53-602. Formation of a proposed district. [Effective January 1, 2022.]

6-53-603. Tax levy. [Effective January 1, 2022.]

SECTION.

6-53-604. Dissolution of district — Reduction of millage tax. [Effective January 1, 2022.]

Effective Dates. Acts 2021, No. 610, § 41: Jan 1, 2022.

6-53-602. Formation of a proposed district. [Effective January 1, 2022.]

(a)(1) Upon request of the local board of a technical college or the Arkansas Higher Education Coordinating Board acting as a local board of a technical college, the Arkansas Higher Education Coordinating Board shall determine whether formation of a proposed technical

college district is feasible according to criteria established by the Arkansas Higher Education Coordinating Board for the formation of a technical college district.

(2) The boundaries of the technical college district are to be determined by the local board or the Arkansas Higher Education Coordinating Board acting as the local board.

(b)(1) Within ten (10) calendar days after the Arkansas Higher Education Coordinating Board determines that the formation of a proposed district is feasible, the local board or the Arkansas Higher Education Coordinating Board acting as the local board shall notify the county board of election commissioners in each county of which any portion is in the proposed technical college district that an election will be held to determine whether the district shall be formed and whether an ad valorem tax shall be levied on property in the district to fund site acquisition, construction, equipping, and operation of the college.

(2)(A) The local board or acting local board shall issue a proclamation and set a date for the election under § 7-11-201 et seq.

(B) The local board or acting local board shall publish the proclamation at least ninety (90) days before the election date.

(3) The local board or acting local board shall specify the wording of the ballot to be used for the election utilizing appropriate language similar to that found in § 6-61-513(c), and the county boards of election commissioners shall conduct the election in the manner provided by law for special elections.

(c)(1) Except as provided in subdivision (c)(2) of this section, if the establishment of a proposed technical college district fails because of an adverse vote by a majority of the qualified electors of the proposed district voting thereon at the election, no new election for the establishment thereof shall be held within a period of one (1) year after the date of the election.

(2)(A) If the formation of a proposed technical college district fails and the majority of votes cast in one (1) or more counties or cities in a proposed district were against the formation of the district, the local board or acting local board may notify the county boards of election commissioners that an election will be held on the issue of forming a proposed district that does not include the county, city, counties, or cities in which the issue failed.

(B) The local board or acting local board shall issue a proclamation and set a date for the election in accordance with § 7-11-201 et seq.

(C) The procedures for an election to form a proposed reconstituted district shall be identical to the procedures for an election to establish a technical college district.

(d)(1) If the local board or acting local board of a technical college determines that the question of a tax levy in the technical college district should be submitted to the electors after the district is formed, it shall certify the millage requested to the county board of election commissioners of each county of which any portion is in the technical college district.

(2) The county boards shall place the question of the levy on the ballot at the next general election if the date of the general election is not less than sixty (60) calendar days after the county boards receive certification from the local board or acting local board.

(3) In the alternative, the local board or acting local board may set a date for a special election in accordance with § 7-11-201 et seq.

(4) The special election shall be conducted in the manner provided by law for other special elections.

History. Acts 1993, No. 945, § 1; 1997, No. 1114, § 12; 2005, No. 2145, § 7; 2007, No. 1049, § 9; 2009, No. 376, § 54; 2009, No. 1480, §§ 7-9; 2021, No. 610, § 5.

Publisher's Notes. For text of section effective until January 1, 2022, see the bound volume.

Amendments. The 2021 amendment

added the (b)(2)(A) designation; deleted "but the date set for the election shall not be later than ninety (90) days after the publication of the proclamation" from the end of (b)(2)(A); and added (b)(2)(B).

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

6-53-603. Tax levy. [Effective January 1, 2022.]

(a)(1) A tax levied under this subchapter shall be a continuing levy unless otherwise provided by law.

(2) A tax levy may be reduced or repealed, with the exception of the amount of tax required to service an outstanding bond, or the tax may be increased upon approval thereof by a majority of the qualified electors of the district voting on the issue at the next election called by the local board or acting local board under § 7-11-205.

(b) The tax shall be collected in the manner now provided by law for the collection of county general taxes and promptly remitted by the county treasurer to the district.

(c) Revenues derived from a tax levied pursuant to this subchapter may be used for site acquisition, construction, equipping, or operation of a technical college or for any of such purposes.

History. Acts 1993, No. 945, § 1; 2021, No. 610, § 6.

Publisher's Notes. For text of section effective until January 1, 2022, see the bound volume.

Amendments. The 2021 amendment, in (a)(2), substituted "A tax levy" for "It", "the next election" for "an election", and

"under § 7-11-205" for "to be held at least thirty (30) calendar days after the local board or acting local board notifies the county boards of election commissioners"; and made stylistic changes.

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

6-53-604. Dissolution of district — Reduction of millage tax. [Effective January 1, 2022.]

(a) A technical college district may be dissolved or the millage tax voted reduced or repealed, with the exception of the amount of tax required to service any outstanding bonds, upon approval by a majority of the qualified electors of the district voting on the issue at an election called for such purpose by the county boards of election commissioners upon submission of petitions signed by not less than ten percent (10%)

of the qualified electors of the district based upon the total number of votes as cast therein for all candidates for the office of Governor in the last general election.

(b) The Secretary of State, within ten (10) days of the receipt and verification of the sufficiency of the petition, shall notify the county board of election commissioners in each county in the district that an election is to be held on the next special election date under § 7-11-205.

History. Acts 1993, No. 945, § 1; 2021, No. 610, § 7.

Publisher’s Notes. For text of section effective until January 1, 2022, see the bound volume.

Amendments. The 2021 amendment rewrote (b).

Effective Dates. Acts 2021, No. 610, § 41: Jan. 1, 2022.

CHAPTER 54

ARKANSAS STATE UNIVERSITY THREE RIVERS

SECTION.	SECTION.
6-54-101. Arkansas State University Three Rivers established.	6-54-103. Rights and privileges.
6-54-102. Effect on other laws.	6-54-104. Administration.
	6-54-105. [Repealed.]

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: ‘It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-54-101. Arkansas State University Three Rivers established.

(a) The Arkansas Higher Education Coordinating Board shall designate Arkansas State University Three Rivers as a technical college, which shall become part of the Arkansas Technical and Community College System under the coordination of the board.

(b) Arkansas State University Three Rivers may expand to offer courses of instruction in technical, vocational, and adult education programs and college transfer programs and may, upon a vote of the electorate, create a community college district and, if necessary, impose a millage to convert Arkansas State University Three Rivers into a community college.

History. Acts 1991, No. 617, § 1; 2011, No. 208, § 1; 2021, No. 19, § 1.

Amendments. The 2021 amendment substituted “Arkansas State University Three Rivers” for “College of The Ouachitas” in the section heading; made a similar change in (a); deleted former (b) and re-

designated (c) as (b); in (b), substituted “Arkansas State University Three Rivers” for “This institution” and “to convert Arkansas State University Three Rivers into a community college” for “to convert to a community college”; and made a stylistic change.

6-54-102. Effect on other laws.

The procedures and deadlines established in this chapter shall, for the purpose of this chapter, be in lieu of and supersede the procedures and deadlines under the existing laws of this state with respect to the establishment, organization, and administration of Arkansas State University Three Rivers. Existing laws of this state, for the purposes of this chapter, shall apply only in those situations that are not specifically provided for in this chapter and when applied shall be consistent, insofar as possible, with the purpose, procedures, and deadlines contained in this chapter.

History. Acts 1991, No. 617, § 4; 2021, No. 19, § 1.

Amendments. The 2021 amendment substituted “the procedures and deadlines under the existing laws of this state” for

“those set forth in existing laws of this state” and “Arkansas State University Three Rivers” for “this vocational-technical postsecondary institution”; and made stylistic changes.

6-54-103. Rights and privileges.

(a) Arkansas State University Three Rivers established under this chapter shall be subject to the same restrictions and enjoy the same privileges as any other technical college created under the chapter establishing the Arkansas Technical and Community College System.

(b) The Chancellor of Arkansas State University Three Rivers and all other personnel employed by the school shall enjoy the same rights and privileges as personnel employed by state-supported postsecondary vocational-technical schools transferred to the system under the subchapter establishing the system, § 6-53-201 et seq.

History. Acts 1991, No. 617, § 2; 2011, No. 208, § 2; 2021, No. 19, § 1.

Amendments. The 2021 amendment, in (a), substituted “Arkansas State University Three Rivers” for “The technical college” and “under this chapter” for “herein”; and, in (b), substituted “The

Chancellor of Arkansas State University Three Rivers” for “The President of the College of The Ouachitas”, “to the system” for “to the Arkansas Technical and Community College System”, and “the system” for “such system” and added “§ 6-53-201 et seq.”.

6-54-104. Administration.

(a) Unless Arkansas State University Three Rivers elects to become a community college, Arkansas State University Three Rivers shall be known as a technical college.

(b) Arkansas State University Three Rivers shall maintain higher education institutional accreditation from an accrediting agency recognized by the United States Department of Education.

(c) The Board of Trustees of the Arkansas State University System shall be responsible for the administration and operation of Arkansas State University Three Rivers and shall be further responsible for the provision of services to meet the two-year postsecondary educational needs of the citizens located within the service area assigned to Arkansas State University Three Rivers by the Arkansas Higher Education Coordinating Board.

History. Acts 1991, No. 617, § 1; 1997, No. 1114, § 13; 2015, No. 865, § 10; 2021, No. 19, § 1.

Amendments. The 2021 amendment, in (a), substituted “Unless Arkansas State University Three Rivers” for “Until the institution” and “Arkansas State University Three Rivers” for “the institution”; substituted “Arkansas State University

Three Rivers shall maintain” for “The technical college shall work to achieve” in (b); deleted former (c); redesignated former (d) as (c); in (c), substituted “Board of Trustees of the Arkansas State University System” for “local board” and “Arkansas State University Three Rivers” for “the institution” twice; and made stylistic changes.

6-54-105. [Repealed.]

Publisher’s Notes. This section, concerning abolishment if the technical college fails to achieve accreditation, was repealed by Acts 2021, No. 19, § 1, effective

July 28, 2021. The section was derived from Acts 1991, No. 617, § 1; 1995, No. 603, § 5; 2019, No. 910, § 1935.

CHAPTER 55

THE ARKANSAS CONSTRUCTION INDUSTRY CRAFT TRAINING ACT

SECTION.

6-55-104. Arkansas Construction Industry Craft Training Program — Purpose — Administration.

6-55-105. Program plan.

6-55-106. Permit surcharge to fund programs.

SECTION.

6-55-107. Arkansas Construction Industry Craft Training Trust Fund — Apprenticeship program requirements.

6-55-108. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through

6343 of this act being necessary for the and safety shall become effective on July preservation of the public peace, health, 1, 2019.”

6-55-104. Arkansas Construction Industry Craft Training Program — Purpose — Administration.

(a) In order to provide for an efficient, competent, and resourceful construction industry training program that will enhance the development of a quality labor pool to support the building industry of this state, there is established the Arkansas Construction Industry Craft Training Program.

(b) The program will be administered by the Office of Skills Development in collaboration with the Arkansas Apprenticeship Coordination Steering Committee created by § 6-52-204.

History. Acts 1999, No. 474, § 4; 2019, No. 910, § 155; 2021, No. 647, § 10.

Amendments. The 2019 amendment substituted “Office of Skills Development” for “Department of Career Education” in (b).

The 2021 amendment substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee” in (b).

6-55-105. Program plan.

In addition to the duties of the Arkansas Apprenticeship Coordination Steering Committee contained in § 6-52-205, the committee is authorized to develop a plan for the Arkansas Construction Industry Craft Training Program which shall include, but not be limited to, the following:

(1) Formulas and administrative procedures to be used in requesting appropriations of state funds for the program;

(2) Forms, formulas, and administrative procedures to be used in distributing funds to construction craft training programs; and

(3) Other administrative procedures or rules as may be necessary for the equitable and efficient operation of the program.

History. Acts 1999, No. 474, § 6; 2021, No. 647, § 11.

Amendments. The 2021 amendment substituted “Arkansas Apprenticeship Co-

ordination Steering Committee” for “State Apprenticeship Coordination Steering Committee” in the introductory language.

6-55-106. Permit surcharge to fund programs.

(a)(1) A surcharge in the amount of fifty cents (50¢) per each one thousand dollars (\$1,000) of construction authorized on any nonresidential construction permit issued by any political subdivision of this state is imposed to financially support the Arkansas Construction Industry Craft Training Program.

(2) The maximum surcharge for any construction project permitted shall be one thousand dollars (\$1,000).

(b) The office of the political subdivision issuing the permit shall be responsible for collecting the surcharge and remitting it monthly to the Department of Finance and Administration under such rules as the Chief Fiscal Officer of the State may prescribe for the collection, enforcement, and administration of the proceeds of the surcharge and shall retain five percent (5%) of each permit surcharge collected for the cost of administration.

History. Acts 1999, No. 474, § 7; 1999, No. 785, § 1; 2019, No. 315, § 356. deleted “and regulations” following “rules” in (b).

Amendments. The 2019 amendment

6-55-107. Arkansas Construction Industry Craft Training Trust Fund — Apprenticeship program requirements.

(a) The net proceeds received pursuant to § 6-55-106 shall be deposited into a special trust account in the State Treasury known as the “Arkansas Construction Industry Craft Training Trust Fund”.

(b) Programs established or funded by the fund shall be consistent with the eight (8) criteria recommended by the United States Advisory Committee on Apprenticeship. The eight (8) essential components of an approved apprenticeship program shall include all of the following:

(1) A training strategy that combines supervised, structural on-the-job training with related theoretical instruction and is sponsored by employers or labor or management groups that have the ability to hire and train in a work environment;

(2) A training strategy that prepares an individual for skilled employment by conducting training in bona fide and documented employment settings;

(3) A training strategy with requirements that are clearly delineated in federal laws and regulations, and state laws and rules;

(4) A training strategy that by virtue of a legal contract, indenture, leads to a certificate of completion and official journeyman status;

(5) A training strategy that involves a tangible and generally sizable investment on the part of the employer or labor or management program sponsor;

(6) A training strategy that pays wages to its participants at least during the on-the-job training phase of their apprenticeship and that increases these wages throughout the training program in accordance with a predefined wage progression scale;

(7) A training strategy in which participants learn by working directly under the supervision and tutelage of a master in the craft, trade, or relevant occupational area; and

(8) A training strategy that involves a written agreement and an implicit social obligation between the program sponsor and the apprentice.

(c) The fund may also be used to support youth apprenticeship or pre-apprenticeship construction trade programs in secondary vocational centers.

(d) Upon the recommendation of the Arkansas Apprenticeship Coordination Steering Committee, the Office of Skills Development shall expend the moneys in the fund from time to time to support the training program prescribed in this chapter.

History. Acts 1999, No. 474, § 8; 2019, No. 315, § 357; 2019, No. 910, § 156; 2021, No. 647, § 12.

Amendments. The 2019 amendment by No. 315 substituted “federal laws and regulations, and state laws and rules” for “federal and state laws and regulations” in (b)(3).

The 2019 amendment by No. 910 substituted “Office of Skills Development” for “Department of Career Education” in (c).

The 2021 amendment inserted (c), and redesignated former (c) as (d); and substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee” in (d).

6-55-108. Rules.

The Office of Skills Development and the Arkansas Apprenticeship Coordination Steering Committee shall promulgate rules necessary to implement the provisions of this chapter.

History. Acts 1999, No. 474, § 5; 2019, No. 910, § 157; 2021, No. 647, § 13.

Amendments. The 2019 amendment substituted “Office of Skills Development” for “Department of Career Education”.

The 2021 amendment substituted “Arkansas Apprenticeship Coordination Steering Committee” for “State Apprenticeship Coordination Steering Committee”.

CHAPTER 56

ARKANSAS STATE UNIVERSITY-BEEBE

SECTION.

6-56-101. Definitions.

6-56-107. Effect of merger on curriculum.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-56-101. Definitions.

As used in this chapter:

(1) "Adult education program" means any classes designed to assist students in preparing for a high school equivalency test and any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section; and

(2) "Applied general education courses" means courses from mathematics, communications, social sciences, and similar fields specifically addressing the employment needs of students in one (1) or more occupational programs.

History. Acts 2003, No. 359, § 1; 2015, No. 1115, § 7; 2019, No. 910, § 158. deleted "of the Department of Career Education" following "Adult Education Section" in (1).

Amendments. The 2019 amendment

6-56-107. Effect of merger on curriculum.

(a) Arkansas State University-Beebe shall offer the option of applied general education courses in occupational certificate programs offered by Foothills Technical Institute in 2002-2003.

(b) Students in the programs involved may also be offered the option of college transfer general education courses in addition to the option of applied general education courses.

(c) Without regard to the higher average cost of occupational programs, all current Foothills Technical Institute programs shall continue to be offered by Arkansas State University-Beebe for as long as they meet industry needs and are fiscally effective.

(d) All adult basic education, high school equivalency tests, and high school area center programs currently provided by Foothills Technical Institute in 2002-2003 shall continue to be administered by Arkansas State University-Searcy, provided funding is available.

(e) Existing certificate and diploma programs offered at Foothills Technical Institute in 2002-2003 shall become certificate and technical certificate programs as authorized by Arkansas State University-Beebe.

History. Acts 2003, No. 359, § 7; 2015, No. 1115, § 8.

CHAPTER 58**NATIONAL PARK COLLEGE****SECTION.**

- 6-58-101. Definitions.
- 6-58-102. Name change and merger.
- 6-58-103. Board of trustees.
- 6-58-104. Effect of merger on employees.
- 6-58-105. Sick leave.
- 6-58-106. Catastrophic leave program.

SECTION.

- 6-58-107. Effect of merger on curriculum.
- 6-58-108. Purchasing.
- 6-58-109. Transfer of assets, obligations, records, personnel, property, unexpended balances, and legal authority.

SECTION.

6-58-110. Work Force 2000 funding.

6-58-111. Funding for salary equity.

6-58-112. Conversion of positions and maximum salaries for

SECTION.

Quapaw Technical Institute.

6-58-113. Employee health insurance plan.

Publisher's Notes. Acts 2016, No. 141, § 6 deleted "Community" preceding "College" in the chapter heading.

Effective Dates. Acts 2016, No. 141, § 15: July 1, 2016. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 1004, § 29: Apr. 28, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the decisions currently made by the State and Public School Life and Health Insurance Board are of critical importance to the financial health of the state; that the State Board of Finance shall preserve the public peace, health, and safety by effectively administering the State and Public School Life and Health Insurance Program; that this act provides for the abolition of the State and Public School Life and Health Insurance Board, and the transfer of the duties of the State and Public School Life and Health Insurance Board to the State Board of Finance; and that this act is immediately necessary because the decisions made by the State Board of Finance are necessary to ensure that the State and Public School Life and Health Insurance Program administered by the State Board of Finance provides its vital services to the public school and state employees and to ensure that there are no disruptions or complications with vital employee benefits. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-58-101. Definitions.

As used in this chapter:

(1) "Adult education program" means any classes designed to assist students in preparing for a high school equivalency test, any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section; and

(2) "Applied general education courses" means courses from mathematics, communications, social sciences, and similar fields specifically addressing the employment needs of students in one (1) or more occupational programs.

History. Acts 2003, No. 678, § 1; 2015, No. 1115, § 9; 2016, No. 141, § 6; 2019, No. 910, § 159.

The 2019 amendment deleted "of the Department of Career Education" following "Adult Education Section" in (1).

Amendments. The 2016 amendment made no changes to this section.

6-58-102. Name change and merger.

(a) Effective July 1, 2003, Garland County Community College is renamed "National Park College", and the Garland County Community College District is renamed "National Park College District".

(b) Effective July 1, 2003, Quapaw Technical Institute is merged with and into National Park College.

(c) National Park College is an institution of higher education and is subject to the laws governing community colleges, except as otherwise provided in this chapter.

History. Acts 2003, No. 678, § 2; Acts 2016, No. 141, § 6.

substituted "National Park College" for "National Park Community College"

Amendments. The 2016 amendment

throughout the section.

6-58-103. Board of trustees.

(a)(1) The board member of Quapaw Technical Institute serving on June 30, 2003, and whose term is to expire in 2003, shall become a member of the Board of Trustees of National Park College on July 1, 2003, and the term of the board member shall expire on December 31, 2004.

(2) The board members of the Quapaw Technical Institute serving on June 30, 2003, and whose terms are to expire in 2004 and 2005 shall become members of the Board of Trustees of National Park College on July 1, 2003, and their terms shall expire on December 31, 2006.

(3) The board members of Quapaw Technical Institute serving on June 30, 2003, and whose terms are to expire in 2006 and 2007 shall become members of the Board of Trustees of National Park College on July 1, 2003, and their terms shall expire on December 31, 2008.

(b)(1) The trustees of the Garland County Community College serving on June 30, 2003, and whose terms expire on December 31, 2004,

shall become members of the Board of Trustees of National Park College on July 1, 2003, and their terms shall expire on December 31, 2004.

(2) The trustees of the Garland County Community College serving on June 30, 2003, and whose terms expire on December 31, 2006, shall become members of the Board of Trustees of National Park College on July 1, 2003, and their terms shall expire on December 31, 2006.

(3) The trustees of the Garland County Community College serving on June 30, 2003, and whose terms expire on December 31, 2008, shall become members of the Board of Trustees of National Park College on July 1, 2003, and their terms shall expire on December 31, 2008.

(c)(1) Three (3) trustees of National Park College shall be elected at the 2004 general election in the same manner and for the same terms as prescribed in § 6-61-520.

(2) Three (3) trustees of National Park College shall be elected at the 2006 general election in the same manner and for the same terms as prescribed in § 6-61-520.

(3) Three (3) trustees of National Park College shall be elected at the 2008 general election in the same manner and for the same terms as prescribed in § 6-61-520.

(d) No vacancy on the Board of Trustees of National Park College shall be filled until the number of remaining board members of National Park College with terms expiring on the same date equals two (2) or fewer.

History. Acts 2003, No. 678, § 3; 2016, substituted “National Park College” for No. 141, § 6. “National Park Community College”

Amendments. The 2016 amendment throughout the section.

6-58-104. Effect of merger on employees.

(a)(1) All permanent nonprobationary employees of Quapaw Technical Institute or Garland County Community College on June 30, 2003, shall become employees of National Park College on July 1, 2003.

(2) A person who was a permanent nonprobationary employee of Quapaw Technical Institute or Garland County Community College on June 30, 2003, shall be employed by National Park College at least until July 1, 2008, if:

- (A) Job performance is satisfactory;
- (B) Student enrollment in programs is satisfactory; and
- (C) Student job placements are satisfactory.

(b)(1)(A) By January 31, 2004, employees who were employed on June 30, 2003, by Garland County Community College or Quapaw Technical Institute shall have the right to make a one-time choice between:

(i) The National Park College Health Insurance Plan, which was formerly known as the “Garland County Community College Health Insurance Plan”; or

(ii) The health insurance plan adopted by the State Board of Finance for state employees.

(B) An employee who was employed by Quapaw Technical Institute on June 30, 2003, shall be entitled to remain in his or her same retirement system under the same conditions then provided by law or as may later be provided by law.

(2) The Board of Trustees of National Park College shall promulgate rules establishing the procedure for employees to exercise benefit options under this subsection.

(c)(1) Until the later of July 1, 2008, or the date a reorganization that guarantees the importance and position of technical education is adopted by the Board of Trustees of National Park College, the President of the Quapaw Technical Institute as of June 30, 2003, shall be the Vice President for Technical Education at National Park College.

(2) The employee who was the President of the Quapaw Technical Institute as of June 30, 2003, shall retain and continue to receive:

(A) All options, rights, and benefits of employment granted in subsection (b) of this section; and

(B) Any transportation benefits that accompanied the position of President of the Quapaw Technical Institute.

(d) An employee who was a member of the faculty of Quapaw Technical Institute on June 30, 2003, shall be deemed qualified to teach in the same level programs at National Park College if:

(1) The faculty member's job performance is satisfactory;

(2) Student enrollment is satisfactory; and

(3) Student job placements are satisfactory.

History. Acts 2003, No. 678, § 4; 2016, No. 141, § 6; 2019, No. 315, § 358; 2021, No. 1004, § 5.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: "Abolition of the State and Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

"(a) The General Assembly finds that:

"(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

"(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

"(3) The State Board of Finance is established to manage the state's financial concerns;

"(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State and Public School Life and Health Insurance Program; and

"(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

"(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health Insurance Board be vested in the State Board of Finance.

"(c)(1) The administrative functions of the State and Public School Life and Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

"(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee

Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

“(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

“(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board shall be performed by the designee of the State Board of Finance.

“(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

“(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules, regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board before the effective date of this act [April 28, 2021].

“(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

“(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be submitted to the Legislative Council for approval before implementation by the State Board of Finance.

“(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

“(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021].”

Amendments. The 2016 amendment substituted “National Park College” for “National Park Community College” throughout the section.

The 2019 amendment deleted “and regulations” following “rules” in (b)(2).

The 2021 amendment substituted “State Board of Finance” for “State and Public School Life and Health Insurance Board” in (b)(1)(A)(ii).

6-58-105. Sick leave.

The employees of National Park College shall be entitled to lump sum payment for unused sick leave under a program similar to that authorized by §§ 21-4-501 and 21-4-502 [repealed].

History. Acts 2003, No. 678, § 5; 2016, No. 141, § 6.

Amendments. The 2016 amendment

substituted “National Park College” for “National Park Community College”.

6-58-106. Catastrophic leave program.

National Park College shall establish a catastrophic leave program for all permanent employees. The program shall be similar to that authorized under § 21-4-214.

History. Acts 2003, No. 678, § 6; 2016, substituted "National Park College" for No. 141, § 6. "National Park Community College".

Amendments. The 2016 amendment

6-58-107. Effect of merger on curriculum.

(a)(1) National Park College shall offer the option of:

(A) Applied general education courses in occupational certificate and associate degree programs now offered by Quapaw Technical Institute; and

(B) Where appropriate to the program involved, programs now offered by Garland County Community College.

(2) Students in the programs involved also may be offered the options of college transfer general education courses in addition to the option of applied general education courses.

(b) Without regard to the higher average cost of occupational programs, all current Quapaw Technical Institute programs shall continue to be offered by National Park College for as long as they meet industry needs and are fiscally effective.

(c) All adult basic education, high school equivalency tests, and high school programs currently provided by Quapaw Technical Institute or the Garland County Community College shall continue at National Park College.

(d) Existing certificate and degree programs now offered at Quapaw Technical Institute or Garland County Community College shall continue to be authorized for National Park College until the Arkansas Higher Education Coordinating Board determines that the programs do not meet minimum standards of quality and cost-effectiveness.

History. Acts 2003, No. 678, § 7; 2015, substituted "National Park College" for No. 1115, § 10; 2016, No. 141, § 6. "National Park Community College"

Amendments. The 2016 amendment throughout the section.

6-58-108. Purchasing.

(a) Purchases by National Park College shall continue to be made under procedures which were applicable to Garland County Community College or may be made under procedures that were applicable to Quapaw Technical Institute.

(b) Flexibility in shop purchases, parts, and house construction programs shall continue in the same manner as authorized for the original institutions.

History. Acts 2003, No. 678, § 8; 2016, substituted "National Park College" for No. 141, § 6. "National Park Community College" in

Amendments. The 2016 amendment (a).

6-58-109. Transfer of assets, obligations, records, personnel, property, unexpended balances, and legal authority.

(a) On July 1, 2003, all property and other rights, claims, and assets of the Quapaw Technical Institute are transferred to National Park College.

(b) On July 1, 2003, all obligations of the Quapaw Technical Institute become obligations of National Park College.

(c) On July 1, 2003, all records, personnel, property, unexpended balances of appropriations and funds, and all legal authority will transfer from the Quapaw Technical Institute to National Park College.

(d) All cash fund balances of Quapaw Technical Institute transferred to National Park College shall be used for the operation, support, and improvement of occupational, vocational, technical, and work force development programs of National Park College.

History. Acts 2003, No. 678, § 9; 2016, substituted "National Park College" for No. 141, § 6. "National Park Community College"

Amendments. The 2016 amendment throughout the section.

6-58-110. Work Force 2000 funding.

Funding from the Work Force 2000 Development Fund which would have been provided to Quapaw Technical Institute shall be provided to National Park College to fund work force development, vocational, occupational, and training programs offered by National Park College.

History. Acts 2003, No. 678, § 10; substituted "National Park College" for 2016, No. 141, § 6. "National Park Community College"

Amendments. The 2016 amendment twice.

6-58-111. Funding for salary equity.

In that funding for and achievement of salary equity among employees of National Park College is essential for the successful merger of Quapaw Technical Institute into National Park College, this chapter shall become void if, prior to May 1, 2003, the board of either Garland County Community College or Quapaw Technical Institute determines that funds are not available to achieve salary equity.

History. Acts 2003, No. 678, § 11; substituted "National Park College" for 2016, No. 141, § 6. "National Park Community College"

Amendments. The 2016 amendment twice.

6-58-112. Conversion of positions and maximum salaries for Quapaw Technical Institute.

The maximum salaries as authorized for the positions in the appropriations act for Quapaw Technical Institute shall be converted to the maximum salaries for the equivalent or similar positions as authorized in the appropriations act for National Park College. The conversion of the maximum salaries shall be approved by the Division of Higher

Education for line item salaries or by the Department of Finance and Administration for classified salaries and be reported to the Legislative Council.

History. Acts 2003, No. 678, § 12; 2016, No. 141, § 6; 2019, No. 910, § 1936.

Amendments. The 2016 amendment made no changes to this section.

The 2019 amendment substituted “National Park College” for “Garland County

Community College” and “Division of Higher Education” for “Department of Higher Education”.

6-58-113. Employee health insurance plan.

(a) The Board of Trustees of National Park College may determine each year whether to offer employees of National Park College more than one (1) health insurance plan from which to choose.

(b) If more than one (1) health insurance plan is authorized by the Board of Trustees of National Park College, a permanent employee of the college may annually elect to enroll in:

(1) The National Park College Health Insurance Plan, if a plan is adopted by the Board of Trustees of National Park College; or

(2) The health insurance plan adopted by the State Board of Finance for state employees, if the Board of Trustees of National Park College authorizes college employees to participate in the plan subject to the conditions and rates established by the State Board of Finance.

(c) The election under subsection (b) of this section must be made:

(1) At the time of initial employment by the college; or

(2) During the applicable annual open enrollment period for the health insurance plan.

(d) An election under subsection (b) of this section is effective for the health insurance plan year and may not be altered until the following annual open enrollment period for the health insurance plan.

History. Acts 2005, No. 908, § 1; 2016, No. 141, § 6; 2021, No. 1004, § 6.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: “Abolition of the State and Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

“(a) The General Assembly finds that:

“(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

“(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

“(3) The State Board of Finance is established to manage the state’s financial concerns;

“(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State and Public School Life and Health Insurance Program; and

“(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

“(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health Insurance Board be vested in the State Board of Finance.

“(c)(1) The administrative functions of

the State and Public School Life and Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

“(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

“(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

“(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board shall be performed by the designee of the State Board of Finance.

“(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

“(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules, regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board

before the effective date of this act [April 28, 2021].

“(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

“(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be submitted to the Legislative Council for approval before implementation by the State Board of Finance.

“(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

“(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021].”

Amendments. The 2016 amendment substituted “National Park College” for “National Park Community College” throughout the section.

The 2021 amendment substituted “State Board of Finance” for “State and Public School Life and Health Insurance Board” twice in (b)(2).

CHAPTER 59

ARKANSAS NORTHEASTERN COLLEGE

SECTION.

6-59-101. Definitions.

6-59-104. Effect of merger on employees.

SECTION.

6-59-107. Effect of merger on curriculum.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2021, No. 1004, § 29: Apr. 28, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the decisions currently made by the State and Public School Life and Health Insurance Board are of critical importance to the financial health of the state; that the State Board of Finance shall preserve the public peace, health, and safety by effectively administering the State and Public School Life and Health Insurance Program; that this act provides for the abolition of the State

and Public School Life and Health Insurance Board, and the transfer of the duties of the State and Public School Life and Health Insurance Board to the State Board of Finance; and that this act is immediately necessary because the decisions made by the State Board of Finance are necessary to ensure that the State and Public School Life and Health Insurance Program administered by the State Board of Finance provides its vital services to the public school and state employees and to ensure that there are no disruptions or complications with vital employee benefits. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-59-101. Definitions.

- As used in this chapter:
- (1) “Adult education program” means any classes designed to assist students in preparing for a high school equivalency test and any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section; and
 - (2) “Applied general education courses” means courses from mathematics, communications, social sciences, and similar fields specifically addressing the employment needs of students in one (1) or more occupational programs.

History. Acts 2003, No. 830, § 1; 2015, No. 1115, § 11; 2019, No. 910, § 1937.
Amendments. The 2019 amendment substituted “Division of Workforce Ser-

vices” for “Department of Career Education” following “Adult Education Section of the” in (1).

6-59-104. Effect of merger on employees.

- (a)(1) All permanent nonprobationary employees of Cotton Boll Technical Institute on June 30, 2003, shall become employees of Arkansas Northeastern College on July 1, 2003.

(2) A person who was a permanent nonprobationary employee of Cotton Boll Technical Institute on June 30, 2003, shall be employed by Arkansas Northeastern College at least until July 1, 2008, if:

(A) Job performance is satisfactory;

(B) Student enrollment in programs is satisfactory; and

(C) Student job placements are satisfactory.

(b)(1)(A) By January 31, 2004, employees who were employed on June 30, 2003, by Mississippi County Community College or Cotton Boll Technical Institute shall have the right to make a one-time choice between:

(i) The Arkansas Northeastern College health insurance plan; or

(ii) The health insurance plan adopted by the State Board of Finance for state employees.

(B) An employee who was employed by Cotton Boll Technical Institute on June 30, 2003, shall be entitled to remain in his or her same retirement system under the same conditions then provided by law or as may later be provided by law.

(C) The Cotton Boll Technical Institute employees who are classified employees of Cotton Boll Technical Institute but whose positions are deemed equivalent by Arkansas Northeastern College to nonclassified employee positions at the college may become nonclassified, and the classified position authorization is changed to nonclassified position authorization with the requisite increase in each appropriate nonclassified position allotment to Arkansas Northeastern College.

(2) The Board of Trustees of Arkansas Northeastern College shall promulgate rules establishing the procedure for employees to exercise equal benefit options under this subsection.

(c)(1) The President of the Cotton Boll Technical Institute on June 30, 2003, shall be a vice president at Arkansas Northeastern College until at least July 1, 2008.

(2) The employee who was the president on June 30, 2003, shall retain and continue to receive:

(A) All options, rights, and benefits of employment, including salary plus any adjustment authorized by the Board of Trustees of Arkansas Northeastern College, granted in subdivision (b)(1) of this section; and

(B) Any transportation benefits that accompanied the position of president.

(d) An employee who was a member of the faculty of Cotton Boll Technical Institute on June 30, 2003, shall be deemed qualified to teach in the same level programs at Arkansas Northeastern College if:

(1) The faculty member's job performance is satisfactory;

(2) Student enrollment is satisfactory; and

(3) Student job placements are satisfactory.

History. Acts 2003, No. 830, § 4; 2019, No. 315, § 359; 2021, No. 1004, § 7.

A.C.R.C. Notes. Acts 2021, No. 1004, § 1, provided: "Abolition of the State and

Public School Life and Health Insurance Board and transfer of duties and responsibilities to State Board of Finance — Legislative findings.

“(a) The General Assembly finds that:

“(1) The State and Public School Life and Health Insurance Program is underfunded and will operate in a deficit;

“(2) The State and Public School Life and Health Insurance Board has not been effective in developing a strong State and Public School Life and Health Insurance Program;

“(3) The State Board of Finance is established to manage the state’s financial concerns;

“(4) The State Board of Finance is the entity that is currently best suited to make decisions and policy for the State and Public School Life and Health Insurance Program; and

“(5) The State Board of Finance shall make decisions and policy determinations for the State and Public School Life and Health Insurance Program until the General Assembly adopts a permanent governance system to ensure solvency of the State and Public School Life and Health Insurance Program and state and public school employee benefits.

“(b) The State and Public School Life and Health Insurance Board is abolished and all duties and responsibilities of the State and Public School Life and Health Insurance Board be vested in the State Board of Finance.

“(c)(1) The administrative functions of the State and Public School Life and Health Insurance Board are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq. from the Department of Transformation and Shared Services to the State Board of Finance.

“(2) All duties assigned to the State and Public School Life and Health Insurance Program administered by the Employee Benefits Division of the Department of Transformation and Shared Services shall remain with the division.

“(3) All employees of the department performing duties for the State and Public School Life and Health Insurance Board shall remain employees of the department and are not transferred by this act.

“(4) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Transformation and Shared Services concerning the State and Public School Life and Health Insurance Board

shall be performed by the designee of the State Board of Finance.

“(d) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the State and Public School Life and Health Insurance Board, are transferred from the department to the State Board of Finance.

“(e)(1) The transfer of the State and Public School Life and Health Insurance Board does not affect the orders, rules, regulations, directives, or standards made or promulgated by the State and Public School Life and Health Insurance Board before the effective date of this act [April 28, 2021].

“(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

“(3) All commitments, decisions, plans, or other actions taken by the State and Public School Life and Health Insurance Board with regard to plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost-containment measures for plans to take effect January 1, 2022, or thereafter are subject to modification, change, or other action by the State Board of Finance and shall be submitted to the Legislative Council for approval before implementation by the State Board of Finance.

“(f) The department shall grant access to and provide all information requested by the State Board of Finance to accomplish the transfer of the State and Public School Life and Health Insurance Board and the statutory duties of the State and Public School Life and Health Insurance Board.

“(g) The terms of all members of the State and Public Life and Health Insurance Board are terminated and shall end on the effective date of this act [April 28, 2021].”

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (b)(2).

The 2021 amendment substituted “State Board of Finance” for “State and Public School Life and Health Insurance Board” in (b)(1)(A)(ii).

6-59-107. Effect of merger on curriculum.

(a)(1) Arkansas Northeastern College shall offer the option of:

(A) Applied general education courses in occupational certificate programs now offered by Cotton Boll Technical Institute; and

(B) Where appropriate to the program involved, programs offered by Mississippi County Community College as of March 27, 2003.

(2) Students in the programs involved may also be offered the options of college transfer general education courses in addition to the option of applied general education courses.

(b) Without regard to the higher average cost of occupational programs, all current Cotton Boll Technical Institute programs shall continue to be offered by Arkansas Northeastern College for as long as they meet industry or student needs.

(c) All adult basic education, high school equivalency tests, and high school programs provided by Cotton Boll Technical Institute or Mississippi County Community College on March 27, 2003, shall continue at Arkansas Northeastern College.

(d) Existing certificate programs now offered at Cotton Boll Technical Institute or certificate and degree programs now offered at Mississippi County Community College shall continue to be authorized for Arkansas Northeastern College until the Arkansas Higher Education Coordinating Board determines that the programs do not meet minimum standards of quality and cost-effectiveness.

History. Acts 2003, No. 830, § 7; 2015, No. 1115, § 12.

SUBTITLE 5. POSTSECONDARY AND HIGHER EDUCATION GENERALLY

CHAPTER 60

GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
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12. TRANSPARENCY IN FOREIGN INVESTMENT ACT.
13. INFORMATION REGARDING THE COST OF COLLEGE AND JOB OPPORTUNITIES.

A.C.R.C. Notes. Acts 2014, No. 104, GRADUATE RESEARCH FELLOWSHIP § 36, provided: "STUDENT UNDER- (SURF) PROGRAM. The focus of the Stu-

dent Undergraduate Research Fellowship (SURF) Program is the continued development of undergraduate academic research efforts at Arkansas colleges and universities. The Arkansas Department of Higher Education shall adopt rules and regulations necessary for the proper administration of the Student Undergraduate Research Fellowship Program. Administrative functions and responsibilities may include, but not necessarily be limited to, the development of eligibility criteria, collection of applications, coordina-

tion of student evaluations, distribution of public notices, and funding of grants for academic research purposes. Staff of the Arkansas Department of Higher Education shall administer this program. The Arkansas Department of Higher Education shall be authorized to expense costs associated with the administration of the program, from funds made payable from the Higher Education Grants Fund Account for the Student Undergraduate Research Fellowship Program as authorized in Section 4 of this Act."

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-60-102. Consolidations and mergers.
- 6-60-104. Social media accounts of current and prospective students or employees — Definitions.
- 6-60-105. Employment and earnings outcomes — Report.
- 6-60-106. Unplanned pregnancies action plan.
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- 6-60-108. Audit records — Definition.
- 6-60-109. Right to counsel.
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SECTION.

- 6-60-113. Enhancement of accountability and transparency at state-supported institutions of higher education.
- 6-60-114. President and chancellor contracts — Definitions.
- 6-60-115. Homeless and foster student liaison — Definition.
- 6-60-116. Star-Spangled Banner Act.
- 6-60-117. Personal finance and macroeconomics action plan.
- 6-60-118. Student identification badges — Required information.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-60-102. Consolidations and mergers.

(a) The purpose of this section is to create incentives for more efficient management of the public higher education resources of the State of Arkansas by allowing public higher education institutions and their boards of trustees to merge or consolidate on a voluntary basis and to consolidate administrative functions by transferring them to another institution.

(b)(1) A fund account is hereby established called the Higher Education Consolidation Matching Fund.

(2) Moneys deposited into this account shall be made available to match documented savings at public institutions of higher education that consolidate or merge.

(3) The amount of matching funds to be made available from the fund shall be determined by the Arkansas Higher Education Coordinating Board.

(4) Upon review and approval of the Chief Fiscal Officer of the State, the funds shall be transferred to the newly constituted or merged institution from the fund.

(c) The institutional consolidations and mergers eligible for matching funds under the terms of this section include:

(1) Two (2) or more public universities;

(2) Two (2) or more public two-year colleges;

(3) Community colleges and technical institutes located in the same city or the same county;

(4) New systems of public higher education institutions composed of two-year and four-year institutions under the control of a single board of trustees;

(5) Existing systems of public higher education institutions that add two-year and/or four-year institutions to the system; and

(6) Administrative function consolidation with similar services or operations at another institution.

(d)(1) Consolidations or mergers involving community colleges shall be subject to the provisions of § 6-61-519, where applicable, when the result of a consolidation or a merger requires dissolution of the community college district.

(2) Any agreements made by community colleges with other public colleges or universities to consolidate or merge are declared to be consistent with the provisions of § 6-61-524, which permits the sharing of facilities, personnel, and services by community colleges.

(e) The board, in consultation with the public colleges and universities, is authorized to develop policies and rules to implement the provisions of this section.

History. Acts 1995, No. 287, §§ 1-5; 1995, No. 388, §§ 1-5; 2019, No. 315, § 360.

Amendments. The 2019 amendment substituted "policies and rules" for "policies, rules, and regulations" in (e).

6-60-104. Social media accounts of current and prospective students or employees — Definitions.

(a) As used in this section:

(1) "Employee" means an individual who provides services or labor for wages or other remuneration for an institution of higher education;

(2) "Institution of higher education" means a public or private institution that provides postsecondary education or training to students that is academic, technical, trade-oriented, or in preparation for gaining employment in a recognized occupation;

(3)(A) "Social media account" means a personal account with an electronic medium or service where users may create, share, or view user-generated content, including without limitation:

(i) Videos;

(ii) Photographs;

(iii) Blogs;

(iv) Podcasts;

(v) Messages;

(vi) Emails; and

(vii) Website profiles or locations.

(B) "Social media account" does not include an account:

(i) Opened by an employee or student at the request of an institution of higher education;

(ii) Provided to an employee or student by an institution of higher education, such as an institutional email account or other software program owned or operated exclusively by an institution of higher education;

(iii) Set up by an employee or student on behalf of an institution of higher education; or

(iv) Set up by an employee or student to impersonate an institution of higher education through the use of the institution's name, logos, or trademarks.

(C) "Social media account" includes without limitation an account established with Facebook, Twitter, LinkedIn, Myspace, or Instagram; and

(4) "Student" means a person enrolled part-time or full-time at an institution of higher education in an organized course of study.

(b) An institution of higher education shall not require, request, suggest, or cause:

(1) A current or prospective employee or student to disclose his or her username and password to the current or prospective employee's or student's social media account; or

(2) A current or prospective student, as a condition of acceptance in curricular or extracurricular activities, to:

(A) Add an employee or volunteer of the institution of higher education, including without limitation a coach, professor, or administrator, to the list of contacts associated with his or her social media account; or

(B) Change the privacy settings associated with his or her social media account.

(c) An institution of higher education shall not:

(1) Take action against or threaten to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for exercising his or her rights under subsection (b) of this section; or

(2) Fail or refuse to admit or hire a prospective employee or student for exercising his or her rights under subsection (b) of this section.

(d) This section does not prohibit an institution of higher education from viewing information about a current or prospective employee or student that is publicly available on the internet.

(e) Nothing in this section prevents an institution of higher education from complying with the requirements of federal laws or regulations, or state laws or rules.

History. Acts 2013, No. 998, § 1; 2019, substituted “federal laws or regulations, or state laws or rules” for “federal or state laws, rules, or regulations” in (e).

Amendments. The 2019 amendment

RESEARCH REFERENCES

Ark. L. Rev. Bethany N. Whitfield, Comment: Social Media @ Work: #poli-cynEEDED, 66 Ark. L. Rev. 843 (2013).

6-60-105. Employment and earnings outcomes — Report.

(a)(1) Annually, the Division of Workforce Services shall prepare or contract with an entity to prepare an economic security report of employment and earning outcomes for degrees, diplomas, and certificates earned at state-supported institutions of higher education and state-supported technical institutes.

(2) The report required under subdivision (a)(1) of this section shall:

(A) Be made available online;

(B) Be easily accessible and readable by the public;

(C) Be broken down by educational sector;

(D) Use data available to the Division of Higher Education relating to the employment and earnings of graduates of degree, diploma, and certificate programs from a state-supported institution of higher education or a state-supported technical institute;

(E) Use an integrated postsecondary education data system for calculating the average student loan debt of a graduate of a degree, diploma, or certificate program from a state-supported institution of higher education or a state-supported technical institute;

(F) Include data on the employment of graduates of a degree, diploma, or certificate program from a state-supported institution of higher education or a state-supported technical institute beginning the year after the degree, diploma, or certificate is earned, including graduates employed full-time, by:

(i) Number; and

(ii) Percentage; and

(G) Include on an annual basis data on the earnings of graduates of a degree, diploma, or certificate program at a state-supported institution of higher education or a state-supported technical institute beginning the year after the degree, diploma, or certificate is earned.

(b)(1) Annually, a four-year state-supported institution of higher education and a two-year state-supported institution of higher education shall provide an enrolled student with electronic access to the economic security report of employment and earnings outcomes prepared by the Division of Workforce Services before the student registers for classes.

(2) Annually, beginning July 1, 2020, a state-supported technical institute shall provide an enrolled student with electronic access to the economic security report of employment and earnings outcomes prepared by the Division of Workforce Services before the student registers for classes.

(c) Each four-year state-supported institution of higher education, each state-supported technical institute, and each two-year state-supported institution of higher education shall provide each student electronic access to the following information annually before the student registers for classes:

(1) The top twenty-five percent (25%) of certificates and degrees reported by the four-year state-supported institution of higher education in terms of the highest full-time job placement and highest average annual earnings in the year after certificate or degree completion; and

(2) The bottom ten percent (10%) of certificates and degrees reported by the four-year state-supported institution of higher education in terms of the lowest full-time job placement and lowest average annual earnings in the year after certificate or degree completion.

(d) Annually, a public school student in grade seven through grade twelve (7-12) or the student's parent or guardian shall receive a two-page summary of and electronic access to the economic security report of employment and earnings outcomes prepared by the Division of Workforce Services under this section.

History. Acts 2015, No. 852, § 1; 2019, No. 235, § 1; 2019, No. 910, §§ 160-163.

Amendments. The 2019 amendment by No. 235, in (a)(1), deleted "beginning June 30, 2016" following "Annually", inserted "diplomas", and added "and state-supported technical institutes"; redesignated (a)(3) as part of (a)(2) and rewrote (a)(2); added the (b)(1) designation and deleted "beginning July 1, 2016" following "Annually" in (b)(1); added (b)(2); inserted "each state-supported technical institute" in the introductory language of (c); and, in

(d), deleted "beginning August 1, 2016" following "Annually", deleted "Department of Workforce Service's" following "access to the", and inserted "by the Division of Workforce Services".

The 2019 amendment by No. 910, in (a)(1), deleted "beginning June 30, 2016" following "Annually", and substituted "Division of Workforce Services" for "Department of Workforce Services"; substituted "Division of Higher Education" for "Department of Higher Education" in (a)(2)(D); and substituted "Division of

Workforce Services” for “Department of Workforce Services” and similar language in (b) and (d).

6-60-106. Unplanned pregnancies action plan.

(a) On and after November 3, 2015, the Arkansas Higher Education Coordinating Board, in collaboration with all public university and community college presidents and chancellors or their designees, shall develop an action plan to address the prevention of unplanned pregnancies among older teens who are unmarried.

(b) The action plan shall:

(1) Incorporate unplanned pregnancy prevention information for students through advising and student orientation;

(2) Integrate information that is recognized as medically accurate by the American College of Obstetricians and Gynecologists about the prevention of unplanned pregnancy into academic courses if and when appropriate, including without limitation abstinence education;

(3) Identify opportunities to raise awareness of and provide resources for the prevention of unplanned pregnancies across the entire student population;

(4) Identify opportunities for current students to reach out to younger teens to serve as mentors or role models, or both, of successful behaviors and healthy choices, including opportunities for outreach during summer vacation or during traditional after-school hours for grades kindergarten through twelve (K-12);

(5) Identify private or federal grants available to address the prevention of unplanned pregnancy and to promote student success, including any partnerships necessary to successfully compete for grants;

(6) Collaborate with the Department of Health or federally qualified health centers, or both, to promote access to care;

(7) Identify child care, transportation, financial aid, and other challenges specific to existing single parents; and

(8) Identify other topics or issues relating to the prevention and reduction of unplanned pregnancies among older teens.

(c)(1) The board shall present the action plan to the Legislative Council upon its completion but no later than November 3, 2015.

(2) The board shall report on the status of the action plan annually to:

(A) The Chair of the Senate Committee on Public Health, Welfare, and Labor;

(B) The Chair of the House Committee on Public Health, Welfare, and Labor;

(C) The Chair of the Senate Committee on Education; and

(D) The Chair of the House Committee on Education.

(d) This section shall take effect on July 1, 2015.

History. Acts 2015, No. 943, § 2.

A.C.R.C. Notes. Acts 2015, No. 943, § 1, provided: "Legislative findings.

"The General Assembly finds that:

"(1) Four thousand eighty-nine (4,089) births to teenage mothers were recorded in Arkansas in 2013;

"(2) Of those births, three thousand thirty (3,030) were among young women

between eighteen (18) and nineteen (19) years of age; and

"(3) Community colleges and universities in Arkansas provide a critical venue to address the prevention of unplanned pregnancies among a significant number of older teens."

6-60-107. Workforce initiative funding.

(a)(1) The Division of Higher Education shall act as the disbursing entity for all funds for the Workforce Initiative Act of 2015.

(2) The Division of Higher Education shall establish procedures for the request for proposals under subdivision (b)(2) of this section that shall:

(A) Be approved by the Governor;

(B) Include input from the Division of Elementary and Secondary Education, the Division of Workforce Services, the Arkansas Economic Development Commission, and the Division of Career and Technical Education; and

(C) Be reported to the Legislative Council.

(3) The Division of Higher Education shall establish a grant application review and award process under this section that shall:

(A) Be approved by the Governor; and

(B) Include recommendations from the Division of Elementary and Secondary Education, the Division of Workforce Services, the Arkansas Economic Development Commission, and the Division of Career and Technical Education.

(b)(1) The Division of Higher Education shall set funding priorities in three (3) phases.

(2)(A)(i) Phase one shall seek requests for proposals from alliances consisting of technical institutes, community colleges, universities, the kindergarten through grade twelve (K-12) education system, educational cooperatives, or employers, with input from local workforce investment boards, to receive planning grants of up to one hundred thousand dollars (\$100,000).

(ii)(a) The local workforce investment boards shall identify the industry sectors for each of their ten (10) areas.

(b) The identification process shall include a comprehensive data analysis of employer skill requirements in each sector in each region.

(c) The identified industry sectors and employment skills shall serve as the basis for an application to a request for proposal from the Division of Higher Education.

(B) A request for proposal shall include an education and employer alignment plan that includes state-approved, employer-driven career pathways that are supported by a secondary center that awards concurrent credit courses that can be applied to a certificate of proficiency, technical certificate, Associate of Applied Science degree, or Bachelor of Applied Science degree or a similarly designed bachelor's degree.

(C) Recognizing the limited state resources, the priority for planning grants shall be given to the applicants that best enhance regional efforts, including collaboration between community colleges, universities, public schools, education service cooperatives, the local workforce investment boards, career and technical education programs, multidistrict vocational centers, and private partnerships with clearly defined and measurable performance and effectiveness objectives.

(3)(A) Phase two shall provide implementation grants in an amount necessary to provide the resources to implement approved projects concluded and approved by the Division of Higher Education from phase one.

(B) Implementation grants shall include clearly defined outcome measures and last for up to two (2) years.

(4)(A) Phase three shall provide continuation grants for phase two recipients that meet or exceed the outcome measures.

(B) Continuation grants shall be used to align the performance and relevance of programs to ever changing workforce training needs.

History. Acts 2015, No. 1131, § 2; 2019, No. 910, § 164.

A.C.R.C. Notes. Acts 2015, No. 1131, § 1, provided: "Legislative intent — Findings.

"(a) The General Assembly finds that is it necessary for Arkansas to properly evaluate and address the workforce training needs of our state in order to compete with an aggressive and effective economic development strategy for the twenty-first century.

"(b) Consideration of secondary and postsecondary education, including career and technical programs, is essential for creating a successful economic climate in the state.

"(c) Encouraging Arkansans to pursue high-demand jobs, including without limitation industry-recognized credentials, career and technical certificates, associate degree programs, and bachelor's degree programs is essential to building a skilled and work-ready workforce.

"(d) A program that offers short-term career and technical training and those programs that produce certificates of proficiency, technical certificates, Associate of Applied Science degrees, and Bachelor of Applied Science degrees or similarly designed bachelor degrees are critical to the success of economic development in Arkansas.

"(e)(1) Institutions and organizations will unite around shared regional sector

strategies that support an employer demand-driven workforce system.

"(2) This system should support:

"(A) Creation of state and regional industry-sector driven partnerships that employers lead and to which education institutions respond;

"(B) Data-driven decisions on development and deployment of workforce training and education programs;

"(C) Development of articulated education pathways, from grades K-12 to baccalaureate, that are aligned with employment career pathways that include industry-recognized credential and employment step-out points; and

"(D) Increased diversity and representation from all regions of the state."

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education", "Division of Elementary and Secondary Education" for "Department of Education", "Division of Workforce Services" for "Department of Workforce Services", and "Division of Career and Technical Education" for "Department of Career Education" throughout the section.

Meaning of "Workforce Initiative Act of 2015". The phrase "Workforce Initiative Act of 2015" in subdivision (a)(1) of this section refers to Acts 2015, No. 1131, which created this section and §§ 6-60-105 and 19-5-1255.

6-60-108. Audit records — Definition.

(a)(1) After an audit report is presented to the governing board of the institution of higher education, the audit report and copies of any documents contained in the working papers related to the audit report are open to public inspection under the Freedom of Information Act of 1967, § 25-19-101 et seq., except:

(A) Documents specifically exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.; and

(B) Documents that disclose auditing procedures and techniques, including the following:

(i) Internal control questionnaires consisting of the checklist of accounting and administrative procedures employed by auditors in the course of performing an audit; and

(ii) The instructions and guidelines provided by or to the auditors about the examination procedures to be followed in the course of examining records and accounts to verify their accuracy, including verifications that the examination procedures have been followed.

(2) The documents described in subdivision (a)(1)(B) of this section are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(b)(1) Until an audit report has been presented to the governing board of the institution of higher education, all working papers, including without limitation communications, notes, memoranda, preliminary drafts of audit reports, and other data gathered in the preparation of audit reports by auditors employed by or on behalf of a governing board of an institution of higher education, are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) The exemption provided under this section applies to all working papers in the custody or possession of any person before presentation of the audit report to the governing board of the institution of higher education regardless of the actual physical location of the report.

(c) As used in this section, “audit” means a financial audit, performance audit, technology audit, review, report of agreed-upon procedures, compilation, examination, investigation, or other report or procedure approved by the governing board of an institution of higher education.

History. Acts 2015, No. 1137, § 1.

6-60-109. Right to counsel.

(a) As used in this section, “disciplinary appeal proceeding” includes an appeal hearing or other appeal procedure conducted by the institution of higher education relating to the alleged violation by the student that has resulted in disciplinary action against the student.

(b)(1)(A) A student enrolled at a state-supported institution of higher education who has received a suspension of ten (10) or more days or expulsion may request a disciplinary appeal proceeding and choose to

be represented at the student's expense by a licensed attorney or, if the student prefers, a nonattorney advocate who, in either case, may fully participate during the disciplinary appeal proceeding used by the state-supported institution of higher education except as provided under subdivision (b)(2) of this section.

(B) If the disciplinary appeal proceeding used by the state-supported institution of higher education arises from a complaint by a student against another student, the student who filed the complaint also has the right to be represented as allowed under subdivision (b)(1)(A) of this section.

(2) A student shall not have the right to be represented under this section by a licensed attorney or nonattorney advocate in a disciplinary appeal proceeding used by the state-supported institution of higher education, if any, regarding any allegation of academic dishonesty as defined by the state-supported institution of higher education.

(c) This section does not create the right of a student to be represented at public expense.

History. Acts 2015, No. 1194, § 1.

6-60-110. Flags.

A state-supported institution of higher education shall fly the flag of the United States of America and the flag of the State of Arkansas on campus on all national and state holidays and at other times determined by the state-supported institution of higher education.

History. Acts 2015, No. 1257, § 1.

6-60-111. Sexual assault action plan.

(a) On and after November 3, 2017, the Arkansas Higher Education Coordinating Board, in collaboration with all public university and community college presidents and chancellors or their designees, shall develop an action plan to address the prevention of sexual assault.

(b) The action plan shall:

(1) Incorporate sexual assault prevention information for students through advising and student orientation;

(2) Integrate information about the prevention of sexual assault into academic courses if and when appropriate;

(3) Identify opportunities to raise awareness of and provide resources for the prevention of sexual assault across the entire student population;

(4) Identify private or federal grants available to address the prevention of sexual assault and to promote student success, including any partnerships necessary to successfully compete for grants;

(5) Collaborate with the Department of Health or federally qualified health centers, or both, to promote access to care; and

(6) Identify other topics or issues relating to the prevention and reduction of sexual assault.

(c) If an institution of higher education has already implemented any portion of the action plan as described in subsection (b) of this section, the institution of higher education may submit a report to the board detailing the portion that the institution of higher education has fulfilled.

(d)(1) The board shall present the action plan to the Legislative Council upon its completion but no later than November 3, 2017.

(2) The board shall report on the status of the action plan annually to:

(A) The Chair of the Senate Committee on Public Health, Welfare, and Labor;

(B) The Chair of the House Committee on Public Health, Welfare, and Labor;

(C) The Chair of the Senate Committee on Education; and

(D) The Chair of the House Committee on Education.

(e) This section shall take effect on July 1, 2017.

History. Acts 2017, No. 563, § 2.

A.C.R.C. Notes. Acts 2017, No. 563, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) One (1) out of every six (6) American women and one (1) out of every thirty-three (33) American men have been the victim of an attempted or completed rape;

"(2) Arkansas is ranked forty-seventh among the states in the number of reported forcible rapes at a rate of forty-two and three-tenths (42.3) reported forcible rapes per one hundred thousand (100,000) people, a significantly higher rate of reported forcible rapes than the national average;

"(3) Sexual assault is one (1) of the most underreported crimes with only thirty-five to forty percent (35-40%) of sexual assaults reported to police;

"(4) Individuals between the ages of twelve (12) and thirty-four (34) are at the highest risk for sexual assault;

"(5) Women and girls between the ages of sixteen (16) and nineteen (19) are four (4) times more likely than the general population to be victims of sexual assault;

"(6) Victims of sexual assault are:

"(A) Three (3) times more likely to suffer from depression;

"(B) Six (6) times more likely to suffer from post traumatic stress disorder;

"(C) Thirteen (13) times more likely to abuse alcohol;

"(D) Twenty-six (26) times more likely to abuse drugs; and

"(E) Four (4) times more likely to contemplate suicide; and

"(7) Community colleges and universities in Arkansas provide a critical venue to address the prevention of sexual assault."

6-60-112. Information on mental health and suicide prevention services — Definition.

(a) As used in this section, "institution of higher education" means an institution of higher education that is a:

(1) State-supported two-year or four-year college or university; or

(2) Private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds.

(b) An institution of higher education shall provide to each entering full-time undergraduate, graduate, or professional student, including

transfer students to the institution of higher education, information about:

(1) Available mental health and suicide prevention services offered by the institution of higher education or by any associated organization or program; and

(2) Early warning signs that are often present in and appropriate intervention for a person who may be considering suicide.

(c) The information required under subsection (b) of this section may:

(1) Be provided through:

(A) A live presentation; or

(B) A format that allows for student interaction, including an online program or video; and

(2) Not be provided in a paper format only.

History. Acts 2017, No. 1007, § 1.

6-60-113. Enhancement of accountability and transparency at state-supported institutions of higher education.

(a) The Division of Higher Education shall maintain a link to the website of each state-supported institution of higher education on the division's website.

(b) To further enhance accountability and transparency at each state-supported institution of higher education, the following information shall be maintained on the website of each state-supported institution of higher education:

(1) The name and email address of each member of the governing board of the state-supported institution of higher education;

(2) The date and location of each meeting of the governing board;

(3) The agenda and minutes of each meeting of the governing board;

(4) The annual audit report presented to the Legislative Joint Auditing Committee; and

(5) The conflict of interest and commitment policy of the governing board.

History. Acts 2021, No. 69, § 1.

6-60-114. President and chancellor contracts — Definitions.

(a) As used in this section:

(1) "Chancellor" means a chief executive officer of a state-supported institution of higher education; and

(2) "President" means an individual who is appointed or elected as the president of a state-supported institution of higher education.

(b) A contract for employment or an amendment to a contract for employment entered into on or after July 28, 2021, by a president or a chancellor of a state-supported institution of higher education shall:

(1) Include without limitation standards for which a president or chancellor may be terminated for cause; and

(2) Specify that a contract buyout agreement shall not use more than twelve (12) months' worth of state funds to compensate an outgoing president or chancellor of a state-supported institution of higher education.

(c)(1) This section does not prohibit a state-supported institution of higher education from authorizing an outgoing president or chancellor to obtain employment as either a tenured faculty member or other agreed-upon employment position other than the position of president or chancellor within the state-supported institution of higher education.

(2) A state-supported institution of higher education is not in violation of this section if it compensates an outgoing president or chancellor with state funds while the outgoing president or chancellor serves in either a tenured faculty position or other agreed-upon employment position within the state-supported institution of higher education.

History. Acts 2021, No. 352, § 1.

6-60-115. Homeless and foster student liaison — Definition.

(a) As used in this section, "institution of higher education" means a college or university that is a:

(1) State-supported two-year or four-year college or university; or

(2) Private, nonprofit two-year or four-year college or university that is eligible to receive Title IV federal student aid funds with its primary headquarters located in Arkansas.

(b) An institution of higher education may designate a current member of the staff of the institution of higher education to serve as the liaison for students who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older if the institution of higher education determines that there is a need for a liaison for students who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older.

(c) A liaison for students who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older under subsection (b) of this section shall:

(1) Inform prospective and current students of the institution of higher education who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older about:

(A) Financial aid; and

(B) Other means of financial assistance available to the students of the institution of higher education who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older; and

(2) Assist students of the institution of higher education who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older in applying for and receiving:

(A) Federal and state financial aid; and

(B) Other available services designed to assist students who are homeless, in foster care, or who left foster care at eighteen (18) years

of age or older with navigating and successfully managing coursework and student life.

History. Acts 2021, No. 355, § 1.

6-60-116. Star-Spangled Banner Act.

(a) This section shall be known and may be cited as the “Star-Spangled Banner Act”.

(b) The General Assembly finds that:

(1) It is of the utmost importance that Arkansas youth learn the importance of the national anthem, “The Star-Spangled Banner”;

(2) The regular playing of “The Star-Spangled Banner” will foster patriotism and celebrate the common American experience; and

(3) “The Star-Spangled Banner” should be played in solemn observance and recognition for the men and women who have sacrificed their lives in defense of the American Experiment.

(c) Each state-supported institution of higher education shall:

(1)(A) Adopt a policy requiring the broadcast of “The Star-Spangled Banner” at the commencement of each school-sanctioned sporting event.

(B) However, if any part of two (2) or more school-sanctioned sporting events occur on the same day at the same school, a state-supported institution of higher education may choose to broadcast “The Star-Spangled Banner” at only one (1) of the events; and

(2) Except as provided in subsection (d) of this section, select for broadcast from any recording of “The Star-Spangled Banner” that adheres to rules promulgated by the Division of Higher Education.

(d) A state-supported institution of higher education may adopt a policy that allows any of the following to be played at school-sanctioned sporting events:

(1) The performance of “The Star-Spangled Banner” from original sheet music that adheres to division rules and is performed by a school-sanctioned band program;

(2) The performance of “The Star-Spangled Banner” from original sheet music that adheres to division rules and is performed by a school-sanctioned choral program, vocal group, or vocalist; or

(3) The performance of “The Star-Spangled Banner” by the attendees of a school-sanctioned event led by a vocalist selected by the state-supported institution of higher education hosting the school-sanctioned event.

(e) The division shall promulgate rules to implement this section.

History. Acts 2021, No. 958, § 2.

A.C.R.C. Notes. Acts 2021, No. 958, § 4, provided: “Rules.

“(a) When adopting the initial rules required under this act, the Division Higher Education shall file the final rules with the Secretary of State for adoption under

§ 25-15-204(f):

“(1) On or before January 1, 2022; or

“(2) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

“(b) The division shall file the proposed

rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rules for approval before January 1, 2022.”

6-60-117. Personal finance and macroeconomics action plan.

(a) By August 1, 2022, the Division of Higher Education, in collaboration with all public university and community college presidents and chancellors or their designees, shall develop an asynchronous module on the concepts of personal finance and macroeconomics.

(b) The module shall:

(1) Be taken by all students in accordance with the rules developed by the division;

(2) Incorporate personal finance and macroeconomics information for students through advising and student orientation;

(3) Integrate information about personal finance and macroeconomics into academic courses if and when appropriate;

(4) Identify opportunities to increase awareness and knowledge of and provide resources for personal finance and macroeconomics across the entire student population; and

(5) Identify other topics or issues relating to personal finance and macroeconomics.

(c) If an institution of higher education has already implemented any portion of this module as described in subsection (b) of this section, the institution of higher education may submit a report to the division detailing the portion of this module that the institution of higher education has fulfilled.

(d) The division shall:

(1) Present the module to the Legislative Council upon its completion but no later than August 1, 2022; and

(2) Report on the status of the module annually to:

(A) The Chair of the Senate Committee on Education; and

(B) The Chair of the House Committee on Education.

(e) The division may:

(1) Promulgate rules to implement this section; and

(2) Work with other organizations to develop the module required under this section.

History. Acts 2021, No. 1038, § 2.

A.C.R.C. Notes. Acts 2021, No. 1038, § 1, provided: “Legislative findings. The General Assembly finds that:

“(1) Students enrolled in institutions of higher education are often incurring high amounts of student loan debt in order to attend the institutions of higher education;

“(2) Understanding personal finance and macroeconomics concepts will assist

students in understanding the importance of successfully managing their student loans, saving money, avoiding debt, and building good credit; and

“(3) A better understanding of and appreciation for personal finance and macroeconomics will play a role in helping students learn positive financial habits, save for emergencies, and make fewer financial mistakes.”

6-60-118. Student identification badges — Required information.

(a) Beginning with the 2021-2022 school year, if a state-supported two-year or four-year institution of higher education issues identification cards or identification badges to enrolled students, the identification card or identification badge shall, in addition to basic student information included by the state-supported two-year or four-year institution of higher education, contain only the following information:

- (1) A national domestic violence hotline;
- (2) A national sexual assault hotline;
- (3) A national suicide prevention hotline; and
- (4) Campus-related contact information.

(b) The information required under subsection (a) of this section shall be printed on an identification card or identification badge that is:

- (1) Newly issued; or
- (2) A replacement for a previously issued identification card or identification badge.

History. Acts 2021, No. 1069, § 2.

SUBCHAPTER 2 — ENROLLMENT AND TUITION

SECTION.

- 6-60-201. Regulation of admission and enrollment — Out-of-state students.
- 6-60-203. Off-campus enrollments.
- 6-60-204. Waiver of general student fee charges for senior citizens.
- 6-60-205. In-state tuition for veterans and military personnel and dependents.
- 6-60-206. [Repealed.]
- 6-60-208. Requirements for academic clemency.

SECTION.

- 6-60-211. Tuition waiver for Arkansas National Guard soldiers and airmen — Tuition assistance for soldiers.
- 6-60-213. Reduced tuition for certain police officers — Definitions.
- 6-60-214. Tuition benefits for soldiers and airmen of the Arkansas National Guard.
- 6-60-215. Nontraditional documented immigration status.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-60-201. Regulation of admission and enrollment — Out-of-state students.

(a) The board of trustees of each educational institution of higher education supported, in whole or in part, by the State of Arkansas, shall have the right to adopt rules for the admission and enrollment of students in the respective institutions of higher education under the control of such board, expressly including the right to refuse admission and enrollment to any person who comes to the State of Arkansas solely for the purpose of securing admission, enrollment, and educational advantages at the expense of the State of Arkansas.

(b) Each board may conduct hearings for the purpose of determining whether or not any applicant for admission and enrollment has come to the State of Arkansas for such wrongful purpose, and the findings of any such board of trustees in the State of Arkansas, after the hearing, if based on any evidence, shall be conclusive.

History. Acts 1939, No. 88, § 1; A.S.A. 1947, § 80-3301; Acts 2019, No. 315, § 362.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (a).

6-60-203. Off-campus enrollments.

In order to provide needed off-campus services to Arkansas citizens who do not happen to reside in the location of the main campus of a college or university, the Division of Higher Education is instructed to count and otherwise treat off-campus class enrollments consistent with the enrollments for those same classes on the main campus of the institution.

History. Acts 1975, No. 885, § 10; 2019, No. 910, § 1938.

substituted “Division of Higher Education” for “Department of Higher Education”.

Amendments. The 2019 amendment

6-60-204. Waiver of general student fee charges for senior citizens.

(a) When any person sixty (60) years of age or older is admitted to and enrolls as a student in any state-supported institution of higher education in this state, the board of trustees of the institution or other appropriate institutional officials shall waive all the general student fee charges for each student on a space-available basis in existing classes.

(b) Fees will be waived only for courses organized to grant credit and recognized by the Division of Higher Education for credit.

History. Acts 1975, No. 678, § 1; 1977, No. 525, § 1; A.S.A. 1947, § 80-3367; Acts 2019, No. 910, § 1939.

substituted “Division of Higher Education” for “Department of Higher Education” in (b).

Amendments. The 2019 amendment

6-60-205. In-state tuition for veterans and military personnel and dependents.

Regardless of residence, a state-supported institution of higher education, trade school, or vocational school shall classify a student as in-state, in-county, in-district, local, or resident for the purpose of tuition and fees applicable for all programs of study, including distance learning programs, if the student is a:

(1) Veteran who received an honorable discharge from a period of not less than ninety (90) days of active duty in the United States Armed Forces within three (3) years before the date of enrollment in a program of study;

(2) Dependent of a veteran under subdivision (1) of this section;

(3) Member of the United States Armed Forces;

(4) Spouse of a member of the United States Armed Forces; or

(5) Reserve Officers' Training Corps cadet who has an executed United States Armed Forces service contract.

History. Acts 1975, No. 145, § 1; A.S.A. 1947, § 80-3366; 2015, No. 1266, § 1; 2017, No. 947, § 1.

Amendments. The 2017 amendment, in (1), substituted "received an honorable discharge" for "was discharged or re-

leased" and substituted "United States Armed Forces" for "military, naval, or air service"; substituted "United States Armed Forces" for "armed forces" in (3) and (4); added (5); and made stylistic changes.

6-60-206. [Repealed.]

Publisher's Notes. This section, concerning free tuition to World War I veterans, was repealed by Acts 2017, No. 844,

§ 1. The section was derived from Acts 1923, No. 638, § 1; Pope's Dig., § 13173; A.S.A. 1947, § 80-3302.

6-60-208. Requirements for academic clemency.

(a) A public school student who graduates from a public high school after May 1, 2002, must have successfully completed the core curriculum recommended by the Arkansas Higher Education Coordinating Board after consultation with the State Board of Education and under § 6-61-217 with a minimum cumulative grade point average of 2.0 on a 4.0 scale in order to be eligible for unconditional admission as an undergraduate to a state-supported four-year institution of higher education.

(b) Subject to subsection (c) of this section any public school student who graduates from a public high school after May 1, 2002, must have successfully completed the core curriculum recommended by the Arkansas Higher Education Coordinating Board after consultation with the State Board of Education and under § 6-61-217 in order to be eligible for unconditional admission to a state-supported two-year institution of higher education.

(c)(1)(A) The colleges and universities shall develop standards for collegiate admissions based on the mission of each institution and establish a conditional collegiate admissions process for each insti-

tution, subject to the recommendations of the Arkansas Higher Education Coordinating Board.

(B)(i) The colleges and universities shall establish standards for conditional admission for public school graduates who have not completed the core curriculum, subject to the recommendations of the Arkansas Higher Education Coordinating Board.

(ii) At a minimum, these conditional admissions standards shall require the following:

(a) For a public school graduate seeking an associate of arts degree or a baccalaureate degree who failed to successfully complete the core curriculum, completion of twelve (12) hours of core academic courses and any necessary remedial courses with a cumulative grade point average of 2.0 on a 4.0 scale; or

(b) For a public school graduate seeking a diploma, a technical certificate, or an associate of applied science degree who failed to successfully complete the core curriculum, completion of six (6) hours of core academic courses, six (6) hours of technical courses required for the diploma, technical certificate, or associate of applied science degree, and any necessary remedial courses with a cumulative grade point average of 2.0 on a 4.0 scale.

(2)(A) Conditional admissions standards shall reflect the mission of each institution and shall be implemented by the institutions as a condition for receiving state funds.

(B) If the Arkansas Higher Education Coordinating Board does not approve the conditional collegiate admissions standards and process for an institution, state funds shall not be used to subsidize or pay for any portion of the cost associated with the conditional students.

(3) The admissions criteria set forth in this section shall not apply to those individuals who graduate from a public high school prior to May 1, 2002.

(d)(1) Conditional admissions standards for nontraditional students shall be based on the student's score on the ACT composite or its equivalent as defined by the Division of Higher Education, which shall issue guidelines to assist two-year and four-year institutions of higher education in developing conditional admissions standards.

(2) As used in this subsection, "nontraditional students" shall include those who are home-schooled or who attended private or parochial secondary schools.

(e) Beginning with the 2012-2013 academic year, a student who scores below fifteen (15) on an ACT, or below a comparable score on a comparable exam, may be reassessed to determine the student's ability to benefit using one (1) of the federally approved ability-to-benefit assessments.

(f)(1) Beginning with the 2012-2013 academic year, a student who scores below the acceptable federally determined ability-to-benefit assessment score, but has a high school diploma or GED, may be enrolled by a two-year or four-year institution of higher education only in a specific program approved by the Arkansas Higher Education

Coordinating Board in collaboration with the institutions of higher education until the student can demonstrate academic proficiency that would predict success in a degree program.

(2) The Arkansas Higher Education Coordinating Board shall provide approved assessment tools and acceptable scores through Arkansas Higher Education Coordinating Board policy.

(g) This section does not prevent an institution of higher education from setting higher admissions standards for enrolling freshmen.

History. Acts 1993, No. 969, § 1; 1995, No. 1296, § 33; 1997, No. 977, § 3; 1997, No. 1290, § 1; 1999, No. 520, § 1; 2011, No. 1184, § 1; 2019, No. 910, § 1940.

Amendments. The 2019 amendment inserted "(ACT)" and substituted "Division of Higher Education" for "Department of Higher Education" in (d)(1).

6-60-211. Tuition waiver for Arkansas National Guard soldiers and airmen — Tuition assistance for soldiers.

(a) Colleges, universities, community colleges, technical schools, and other postsecondary institutions of higher education located in the State of Arkansas that directly receive funds appropriated by the General Assembly may waive up to one hundred percent (100%) of the tuition at the institution for soldiers and airmen of the Arkansas National Guard.

(b)(1) The Adjutant General of Arkansas shall establish and publish rules for the eligibility and implementation of tuition assistance programs sponsored by the armed services.

(2) The Adjutant General's rules shall conform to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) The Adjutant General shall provide each postsecondary institution of higher education located in the State of Arkansas a copy of the rules within thirty (30) days after publication.

History. Acts 2003, No. 1045, § 1; 2005, No. 82, § 1; 2013, No. 1011, § 1; 2019, No. 315, § 363.

Amendments. The 2019 amendment substituted "rules" for "regulations" throughout (b).

6-60-213. Reduced tuition for certain police officers — Definitions.

(a) As used in this section:

(1)(A) "Covered police officer" means:

(i) An employee of the Division of Arkansas State Police who:

(a) Holds the rank of state trooper or a higher rank; and

(b) Has been an employee of the Division of Arkansas State Police for ten (10) or more years;

(ii) A highway police officer who has been an employee of the Arkansas Highway Police Division of the Arkansas Department of Transportation for ten (10) or more years;

(iii) An officer of the State Capitol Police who has been an employee of the State Capitol Police for ten (10) or more years; or

(iv) A wildlife officer who has been an employee of the Arkansas State Game and Fish Commission for ten (10) or more years.

(B) "Covered police officer" does not include:

(i) A civilian employee; or

(ii) A person who is temporarily employed as a covered police officer due to an emergency situation;

(2) "Dependent" means:

(A) Any natural child, stepchild, or adopted child of a covered police officer; and

(B) Any individual of whom a covered police officer is the legal guardian;

(3) "Public institution of higher education" means a public university, college, technical college, or community college; and

(4)(A) "Tuition" means charges levied for attendance at an institution of higher education.

(B) "Tuition" does not include any fees charged or used for student activities, including without limitation any student athletic fee.

(b)(1) Any covered police officer or his or her dependent who is enrolled or has been accepted for enrollment in a public institution of higher education in Arkansas may have tuition reduced at a rate equal to the reduced rate of tuition provided to employees of that public institution of higher education if his or her employer elects to offer reduced tuition.

(2) An employer of a covered police officer may elect to offer reduced tuition based on the amount of funds available.

(3) If the employer of the covered police officer elects to offer reduced tuition, the employer shall pay to the public institution of higher education the difference between the regular tuition rate and the reduced rate of tuition provided to employees of the public institution of higher education.

(c) No covered police officer or his or her dependent may utilize the reduced rate of tuition for educational purposes beyond the baccalaureate degree.

(d) The employer of a covered police officer electing to offer reduced tuition for covered police officers shall develop criteria regarding the awarding of reduced tuition, including without limitation:

(1) Academic requirements to continue receiving reduced tuition;

(2) The length of time reduced tuition may be offered;

(3) Procedures to be followed in the event the covered police officer or his or her dependent experiences a severe personal illness, a medical disability, or activation for full-time military service; and

(4) Appeal procedures that a covered police officer may follow if his or her reduced tuition is discontinued by the employer.

History. Acts 2007, No. 291, § 1; 2017, No. 707, § 6.

Amendments. The 2017 amendment substituted "A" or "An" for "Any" in (a)(1)(A)(i) through (a)(1)(A)(iv); substi-

tuted "Department of Arkansas State Police" for "department" in (a)(1)(A)(i)(b); and substituted "Department of Transportation" for "State Highway and Transportation Department" in (a)(1)(A)(ii).

6-60-214. Tuition benefits for soldiers and airmen of the Arkansas National Guard.

(a) A soldier or airman of the Arkansas National Guard may attend a state-supported institution of higher education tuition-free if the soldier or airman:

(1) Is an Arkansas resident;

(2) Except as provided in subdivision (f)(3) of this section, has completed initial active duty training;

(3) Except as provided in subsection (f) of this section, is in good standing as an active soldier or airman of the Arkansas National Guard;

(4) Has been accepted to and is enrolled in a state-supported institution of higher education as a student in good standing;

(5) Completed and submitted to the United States Department of Education a Free Application for Federal Student Aid (FAFSA);

(6) Submitted applications for:

(A) Federal and state grants and scholarships for which the soldier or airman is eligible; and

(B) Grants and scholarships awarded by the state-supported institution of higher education in which the soldier or airman is enrolled;

(7) Is enrolled in a program of study leading to an undergraduate degree; and

(8) Has not received a bachelor's degree.

(b) The tuition-free benefit under this section does not apply to high school students concurrently enrolled in a state-supported institution of higher education.

(c)(1) The tuition-free benefit under this section is available for a maximum of one hundred twenty (120) semester credit hours.

(2) Semester credit hours taken in remedial courses shall be included in the maximum number of semester hours under subdivision (c)(1) of this section.

(d) To remain eligible to receive the tuition-free benefit under this section, a soldier or airman:

(1) Shall maintain satisfactory academic progress as determined by the state-supported institution of higher education in which the soldier or airman is enrolled; and

(2) Shall not drop more than six (6) semester credit hours during the period in which the soldier or airman receives the tuition-free benefit under this section unless dropping the courses is necessitated by a:

(A) Mobilization that interrupts the enrollment of the soldier or airman in the state-supported institution of higher education; or

(B) Medical reason approved by the Adjutant General.

(e) The State of Arkansas shall reimburse the following for the remainder of tuition expenses that are not covered by funding sources under subsection (a) of this section for each soldier and airman of the Arkansas National Guard who enrolls in the state-supported institution of higher education under subsection (a) of this section:

- (1) A state-supported institution of higher education; and
- (2) An exclusively online, degree-offering institution that is associated with a state-supported institution of higher education.

(f)(1) In the event of a nonmedical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the Arkansas National Guard, the soldier or airman is eligible to receive the tuition-free benefit under this section from the date of discharge and for the longer of:

(A) One (1) semester; or

(B) A period of time equal to the length of a mobilization, if any, that interrupted the enrollment of the soldier or airman in a state-supported institution of higher education while receiving the tuition-free benefit under this section.

(2) In the event of medical discharge or medical retirement as a result of illness or injury incurred in the line of duty as the result of a state or federal activation or a terrorist action as determined by the Governor, the soldier or airman is eligible to receive the tuition benefit under this section beginning from the date of discharge or retirement and either until completion of the degree program in which the member of the Arkansas National Guard is enrolled or for five (5) years, whichever occurs first.

(3) In the event of an exigent circumstance that warrants a temporary waiver of the initial active duty training requirement in accordance with the rules promulgated under subdivision (h)(1) of this section, the soldier or airman is eligible to receive the tuition benefit under this section.

(g) Payments for the tuition-free benefit under this section shall be made directly to the state-supported institution of higher education on behalf of and for the benefit of the soldier or airman in a manner established by rule of the Adjutant General.

(h)(1) The Adjutant General, in coordination with the Division of Higher Education, shall promulgate rules for the implementation of this section, including without limitation rules for the eligibility of soldiers and airmen.

(2) The Department of the Military and the division shall meet regularly to monitor and measure the success of this section, including without limitation to assess graduation rates of the soldiers and airmen under this section.

(i) The cost of a soldier's or airman's mandatory fees charged by an institution of higher education that the soldier or airman is attending may be paid for with available funds allocated by the division for the tuition-free program under this section.

History. Acts 2017, No. 471, § 2; 2019, No. 535, § 1; 2019, No. 910, § 5529; 2021, No. 76, §§ 1, 2; 2021, No. 133, §§ 1, 2.

A.C.R.C. Notes. Acts 2017, No. 471, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The strength and personnel of the Arkansas National Guard have been reduced to the point where its readiness to carry out national missions, state emergency missions, and other assignments has been compromised and the health and

well-being of Arkansas's citizens are potentially endangered;

"(2) During the 2016 fiscal year, the Arkansas National Guard lost a Cavalry Squadron to Pennsylvania, a Transportation Company to Missouri, and, due to its inability to provide sufficient personnel for them, repurposed National Guard facilities located in Berryville, Blytheville, Brinkley, Crossett, Magnolia, Monticello, Rector, Wynne, and Helena-West Helena;

"(3) The repurposing of the facilities has resulted in a loss of at least \$33.9 million to the local economies and the inability to attract another large unit to the state in the 2016 fiscal year has resulted in a loss of \$37.2 million to the economy of Arkansas;

"(4) As of the end the 2016 fiscal year, the Arkansas National Guard was ranked last in strength percentage compared to bordering states and, since 2005, the Arkansas National Guard has lost the most personnel in the seven-state area;

"(5) More educated soldiers and airmen of the Arkansas National Guard would provide Arkansas an opportunity to attract more business and industry as a result of a more educated workforce;

"(6) Federal dollars and incentives each soldier and airman is currently qualified to receive cover only a portion of the overall expense of obtaining a college education and fluctuate frequently within any given year;

"(7) Neighboring states with which the Arkansas National Guard competes for members have enacted policies that provide their soldiers and airmen tuition-free college education by paying tuition-related expenses not met with federal dollars;

"(8) Currently, education incentives provided by the State of Arkansas are

insufficient to compete with neighboring states or to serve as a tool to help produce fully staffed units in the Arkansas National Guard; and

"(9) Legislation is necessary to enable soldiers and airmen of the Arkansas National Guard to attend state-supported institutions of higher education tuition free, which will place Arkansas on a level playing field with neighboring states and the Arkansas National Guard on track to achieving necessary strength and readiness levels."

Acts 2017, No. 471, § 4, provided: "An eligible service member who is enrolled in an approved institution that is a private postsecondary institution and receiving a tuition incentive under the Arkansas National Guard Tuition Incentive Program as of the effective date of this act [March 13, 2017] shall continue to receive the tuition incentive under § 12-62-601 et seq., as it existed on January 1, 2017."

Amendments. The 2019 amendment by No. 535 added (i).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (h)(1) and (h)(2); and substituted "Department of the Military" for "State Military Department" in (h)(2).

The 2021 amendment by No. 76 redesignated part of (a)(2) as (a)(3), and redesignated the remaining subdivisions accordingly; added "Except as provided in subdivision (f)(3) of this section" in (a)(2); and added (f)(3).

The 2021 amendment by No. 133 deleted (b)(2), and removed the (b)(1) designation; substituted "reimburse the following" for "reimburse a state-supported institution of higher education" in (e); added (e)(1) and (e)(2); and made a stylistic change.

6-60-215. Nontraditional documented immigration status.

(a)(1) A state-supported institution of higher education may classify a student as in-state, limited to the terms and purpose of tuition and fees applicable to all programs of study at the state-supported institution of higher education, if the student satisfies one (1) of the following requirements:

(A) The student personally holds or is the child of a person who holds a federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit";

(B) The student has verified that he or she is a resident legally present in Arkansas and has immigrated from the Republic of the Marshall Islands; or

(C)(i) The student's request for an exemption under Deferred Action for Childhood Arrivals has been approved by the United States Department of Homeland Security.

(ii) The student's exemption shall not be expired, or shall have been renewed.

(2) A student who satisfies one (1) of the requirements under subdivision (a)(1) of this section shall have:

(A) Resided in this state for at least three (3) years at the time the student applies for admission to a state-supported institution of higher education; and

(B) Either:

(i) Graduated from a public or private high school in this state; or

(ii) Received a high school equivalency diploma in this state.

(b)(1) The Division of Higher Education shall promulgate rules necessary to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The division shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

History. Acts 2019, No. 844, § 1.

SUBCHAPTER 3 — TUITION IN NEIGHBORING STATES

SECTION.

6-60-303. Higher Education Tuition Adjustment Fund.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-60-303. Higher Education Tuition Adjustment Fund.**(a) HIGHER EDUCATION TUITION ADJUSTMENT FUND.**

(1) The Higher Education Tuition Adjustment Fund is hereby created upon the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The Higher Education Tuition Adjustment Fund shall consist of those revenues that are allocated to it by law.

(b) PURPOSE OF THE HIGHER EDUCATION TUITION ADJUSTMENT FUND.

(1) It is the intent of the General Assembly that the Higher Education Tuition Adjustment Fund ensure that bona fide Arkansas income taxpayers and their dependents who are residents of a bordering state in a contiguous county to the Arkansas state line which is contiguous to a county where an institution of higher education is located receive the same higher education opportunities as all other taxpayers.

(2) In establishing this policy, it is the intent of the General Assembly that taxpayers should have affordable access to the state's higher education institutions.

(c) TRACKING AND REPORTING.

(1) Furthermore, the Division of Higher Education will require each institution to track and report the number of qualifying students each year.

(2)(A) A list of students who benefit from the out-of-state tuition waiver, including their Social Security numbers or their Arkansas taxpaying parents' or guardians' names and Social Security numbers, will be furnished by the division to the Department of Finance and Administration for confirmation that they or their parents are employed in Arkansas at a wage in excess of five thousand five hundred dollars (\$5,500) per annum.

(B) Documentation should be either an official W-2 form from an Arkansas employer reflecting wages of at least five thousand five hundred dollars (\$5,500) in the tax year prior to enrollment in college or official employer verification of a current year salary minimum of at least five thousand five hundred dollars (\$5,500), which the college will keep on file for enrollment audit purposes.

(d) APPROPRIATION TRANSFER PROCEDURES.

(1) The Director of the Division of Higher Education shall determine the difference between the amount of tuition revenue which would have been generated by charging the Arkansas Higher Education Coordinating Board-approved out-of-state tuition rate to the students as compared to the approved in-state or out-of-district rate.

(2) Upon the determination, the director shall certify to the Chief Fiscal Officer of the State and the Treasurer of State those amounts that are required to be transferred from the Higher Education Tuition Adjustment Fund.

(3) Upon receiving the certification, the Chief Fiscal Officer of the State and the Treasurer of State shall cause to be transferred the necessary funds and appropriation to the fund account of the institution receiving certification from the director.

(4) In order to provide funding for the appropriation set out in the line item entitled "Tuition Adjustment" in the biennial operations appropriation act for the division, the Chief Fiscal Officer of the State shall transfer to the Higher Education Tuition Adjustment Fund from the Higher Education Grants Fund Account three hundred fifty thousand dollars (\$350,000) for each year of the biennium.

History. Acts 1997, No. 1211, § 28; 2001, No. 1612, § 32; 2019, No. 910, § 1941.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" throughout (c) and (d); and substituted "Higher Education Tuition Adjustment Fund" for "fund" in (d)(2).

SUBCHAPTER 5 — IMMUNIZATION

SECTION.

6-60-503. Rules — Enforcement.

6-60-504. Physical disabilities — Religious objections.

6-60-503. Rules — Enforcement.

(a) The State Board of Health is empowered to promulgate rules for the proper enforcement of the provisions of this subchapter, including, but not limited to, the authority to examine records and conduct investigations to assure compliance.

(b) The responsibility for the enforcement of these requirements rests with the directors of admissions or registration at each college or university.

History. Acts 1987, No. 141, § 3; 2019, No. 315, § 364.

deleted "and regulations" following "rules" in (a).

Amendments. The 2019 amendment

6-60-504. Physical disabilities — Religious objections.

(a) If, at the discretion of a medical doctor licensed to practice in Arkansas, an individual is deemed to have a physical disability which may contraindicate one (1) or more of the vaccinations required by this subchapter, a certificate approved by the Department of Health and signed by the medical doctor may be accepted in lieu of proof of vaccination.

(b)(1) The provisions of this subchapter shall not apply if the individual furnishes to the college or university a letter of exemption from the department.

(2)(A) The individual shall complete an annual application process developed in the rules of the department for medical, religious, and philosophical exemptions.

(B) The rules developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to:

- (i) A notarized statement requesting a religious, philosophical, or medical exemption from the department by the individual regarding the objection;
 - (ii) Completion of an educational component developed by the department that includes information on the risks and benefits of vaccination;
 - (iii) An informed consent from the individual that shall include a signed statement of refusal to vaccinate based on the department’s refusal-to-vaccinate form; and
 - (iv) A signed statement of understanding that:
 - (a) At the discretion of the department, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and
 - (b) The child or individual shall not return to school until the outbreak has been resolved and the department approves the return to school.
- (3) No exemptions may be granted under this subsection until the application process has been implemented by the department and completed by the applicant.

History. Acts 1987, No. 141, § 4; 2003, No. 999, § 2; 2019, No. 315, § 365.

Amendments. The 2019 amendment

deleted “and regulations” following “rules” in (b)(2)(A) and the introductory language of (b)(2)(B).

SUBCHAPTER 7 — COMPREHENSIVE ARKANSAS HIGHER EDUCATION ANNUAL REPORT ACT

SECTION.	SECTION.
6-60-703. Report.	tion for inclusion in the report.
6-60-704. Information submitted to the Division of Higher Educa-	6-60-705. Limitations.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-60-703. Report.

(a)(1) The Comprehensive Arkansas Higher Education Annual Report shall be submitted by the Division of Higher Education to the

House Committee on Education and the Senate Committee on Education, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor no later than December 15, 2011, and each year thereafter.

(2) The Comprehensive Arkansas Higher Education Annual Report shall be posted on the division website for public inspection no later than January 1, 2012, and each year thereafter.

(b) The Comprehensive Arkansas Higher Education Annual Report shall consist of the following reports:

(1) Annually:

(A) Scholarship programs, including without limitation the Arkansas Academic Challenge Scholarship Program;

(B) Remediation rates, §§ 6-15-2401 and 6-61-221;

(C) The Universal ACT Assessment Program, § 6-18-1608;

(D) Military students and families, § 6-61-112;

(E) Retention rates and graduation rates, § 6-61-220;

(F) Athletic expenditures, § 6-62-106;

(G) Student enrollment, § 6-60-209; and

(H) Affirmative action programs summaries, § 6-63-103;

(2) Biennially, each even-numbered year:

(A) A financial condition report, § 6-61-222;

(B) Changes to affirmative action program plans, § 6-63-103; and

(C) Economic development goals and educational efforts, § 6-61-207; and

(3) Every five (5) years, beginning in 2015:

(A) Minority retention plans, § 6-61-122; and

(B) Affirmative action program plans, § 6-63-103(c).

(c)(1) All deadlines for higher education reports currently required by the General Assembly are superseded by subsection (b) of this section unless otherwise specified in this subchapter.

(2) All financial reports provided to the Arkansas Higher Education Coordinating Board shall be included in the report, including the Annual Financial Condition Report.

(d) All future higher education reports statutorily required by the General Assembly shall:

(1) Be submitted as part of the Comprehensive Arkansas Higher Education Annual Report; and

(2) Include a fiscal impact on administrative costs to the division.

History. Acts 2009, No. 416, § 1; 2011, No. 696, § 1; 2013, No. 1462, § 8; 2019, No. 256, § 1; 2019, No. 910, §§ 1942, 1943.

Amendments. The 2019 amendment by No. 256 deleted (b)(2)(A) and redesignated the remaining subdivisions accordingly; and substituted "A financial condi-

tion report" for "Uniform reporting standards" in present (b)(2)(A).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a)(1); and substituted "division" for "department" in (a)(2) and (d)(2).

6-60-704. Information submitted to the Division of Higher Education for inclusion in the report.

(a) All higher education reports submitted to the General Assembly or other governmental bodies by individual colleges and universities, agencies, boards, or commissions shall be submitted directly to the Division of Higher Education no later than November 1, 2011, and each year thereafter for inclusion in the Comprehensive Arkansas Higher Education Annual Report.

(b) If an institution of higher education fails to submit the required reports to the division by November 15, the institutions shall appear before the House Committee on Education and the Senate Committee on Education to explain why they failed to meet the submission deadline.

(c) Financial information provided by an institution of higher education is subject to review by Arkansas Legislative Audit, and any adjustments made to previously submitted financial information during the course of a financial audit may be revised based upon recommendations made by Arkansas Legislative Audit.

History. Acts 2009, No. 416, § 1; 2011, No. 696, § 1; 2019, No. 910, § 1944.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Educa-

tion” in the section heading and in (a); substituted “division” for “department” in (b); and, in (c), substituted “Arkansas Legislative Audit” for “the Division of Legislative Audit” and for “the division”.

6-60-705. Limitations.

(a) This subchapter does not limit the authority of the General Assembly to request additional interim reports and supplemental information from the Division of Higher Education, colleges and universities, or other entities as needed.

(b) The Comprehensive Arkansas Higher Education Annual Report shall take priority for the division staff over a report requested under subsection (a) of this section.

History. Acts 2009, No. 416, § 1; 2019, No. 910, § 1945.

Amendments. The 2019 amendment substituted “Division of Higher Educa-

tion” for “Department of Higher Education” in (a); and substituted “division” for “department” in (b).

SUBCHAPTER 8 — THE CLEAN AIR ON CAMPUS ACT OF 2009

SECTION.

6-60-803. Definitions.

6-60-804. Prohibitions on smoking.

SECTION.

6-60-806. Rules — Promulgation and enforcement authority.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by

the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should be-

come effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-60-803. Definitions.

As used in this subchapter:

(1) "Campus" means all property, including buildings and grounds, that are owned or operated by a state-supported institution of higher education;

(2) "E-cigarette" means an electronic oral device that provides a vapor of nicotine or other substance that, when used or inhaled, simulates smoking, including without limitation a device that:

(A) Is composed of a heating element, battery, or electronic circuit or a combination of heating element, battery, and electronic circuit;

(B) Works in combination with a liquid nicotine delivery device composed, either in whole or in part, of pure nicotine and propylene glycol and manufactured for use with e-cigarettes; and

(C) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor;

(3) "Employee" means an individual who is employed by a state-supported institution of higher education in consideration for direct or indirect monetary wages or profit;

(4) "Governing authority" means the administrative branch of the state-supported institution of higher education;

(5) "Guest" means a visitor to the campus of a state-supported institution of higher education;

(6) "Secondhand smoke" means smoke:

(A) Emitted from lighted, smoldering, or burning tobacco when the person is not inhaling;

(B) Emitted at the mouthpiece during puff drawing; and

(C) Exhaled by the person smoking;

(7) "Smoking" means inhaling, exhaling, burning, or carrying any:

(A) Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; and

(B) Other lighted combustible plant material; and

(8) "Student" means an individual enrolled in a credit or noncredit course at a state-supported institution of higher education.

History. Acts 2009, No. 734, § 1; 2015, No. 847, § 1.

RESEARCH REFERENCES

ALR. Allowable Regulation of Electronic Cigarettes (E-Cigarettes). 46 A.L.R.7th Art. 5 (2019).

6-60-804. Prohibitions on smoking.

(a) Smoking or the use of e-cigarettes is prohibited on each campus of state-supported institutions of higher education.

(b) An individual or campus subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this section or furnishing information concerning a violation to a person, campus, or governing authority.

(c) The prohibitions on smoking in this section shall be communicated to all students and employees of state-supported institutions of higher education a minimum of thirty (30) days before July 31, 2009, and to each guest of a state-supported institution of higher education upon request.

History. Acts 2009, No. 734, § 1; 2015, No. 847, § 2.

6-60-806. Rules — Promulgation and enforcement authority.

(a) The Arkansas Higher Education Coordinating Board may adopt reasonable rules that it determines necessary to carry out the purposes or facilitate the enforcement of this subchapter.

(b)(1) The Division of Higher Education may enforce compliance with this subchapter and any rules promulgated under this subchapter by the board.

(2) Under the rules of the board, the division may enter upon and inspect a campus at any reasonable time and in a reasonable manner.

History. Acts 2009, No. 734, § 1; 2019, No. 910, § 1946.

Amendments. The 2019 amendment substituted “Division of Higher Educa-

tion” for “Department of Higher Education” in (b)(1); and substituted “division” for “department” in (b)(2).

SUBCHAPTER 9 — ARKANSAS HIGHER EDUCATION INFORMATION SYSTEM

SECTION.

6-60-901. Definitions.

6-60-902. Arkansas Higher Education Information System.

SECTION.

6-60-903. Compliance by institutions of higher education.

Effective Dates. Acts 2015, No. 218, § 34: Feb. 26, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that the stability of the Arkansas Scholarship Lottery is critical to the success of the Arkansas Academic Challenge Scholarship Program; that changes to the

operational structure of the lottery are needed to improve the creditability and function of the lottery; and that this act is immediately necessary to ensure that the transition of lottery administration is as undisruptive as possible. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General As-

sembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-60-901. Definitions.

As used in this subchapter:

(1) "Arkansas Higher Education Information System" means the database maintained by the Division of Higher Education containing student data files that the division and institutions of higher education in Arkansas are required to collect under §§ 6-85-214, 6-85-216, and 6-85-217, other state law, and federal law; and

(2) "Institution of higher education" means:

(A) An Arkansas state-funded community college;

(B) An Arkansas state-funded university; or

(C) A private college or university in Arkansas that receives state funding for student financial assistance or voluntarily participates in the system.

History. Acts 2011, No. 1195, § 1; 2013, No. 1173, § 1; 2019, No. 910, § 1947.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" and "division" for "department" in (1).

6-60-902. Arkansas Higher Education Information System.

(a) The Division of Higher Education shall develop and maintain the Arkansas Higher Education Information System.

(b)(1) The Division of Higher Education shall provide the Bureau of Legislative Research with direct read-and-report-only access to the data warehouse of the system concerning student academic data, financial aid data, and related records.

(2)(A) In providing the bureau with the direct read-and-report-only access required under subdivision (b)(1) of this section, the Division of

Higher Education shall take reasonable precautions, including electronic blocking or redacting, to prevent the disclosure of:

(i) Personally identifiable information of a student, unless the parent or guardian of a minor student or a student who is no longer a minor consents in writing to the disclosure of personally identifiable information about that student; or

(ii) Information that would cause the Division of Higher Education to lose funding under 20 U.S.C. § 1232g, as it existed on January 1, 2011.

(B) The Division of Higher Education shall:

(i) Work with the Division of Elementary and Secondary Education to develop the method of redaction to be used with the system based on the standards used by the Division of Elementary and Secondary Education; and

(ii) Disclose to the bureau and to the Legislative Council the method of electronic blocking or redaction the Division of Higher Education will use under this subsection.

(3)(A) The Division of Higher Education shall make its staff reasonably accessible for consultation with bureau staff in developing and responding appropriately to bureau requests under this section.

(B)(i) The bureau staff shall inform the Division of Higher Education of any warehouse data used in the preparation of reports and provide the Division of Higher Education at least one (1) working day to review any student-related warehouse data used in preparation of reports before publicly releasing that student-related data without personally identifiable information of a student.

(ii) This subdivision (b)(3)(B) does not waive the confidentiality of a request of a member of the General Assembly under § 10-2-129.

(c) The Division of Higher Education shall provide other information and records requested by the bureau as soon as possible and in whatever reasonable form requested.

(d) To the extent possible, the Division of Higher Education, in cooperation with the Division of Elementary and Secondary Education, shall maintain the system in a manner that ultimately will be compatible with implementing a P-20W student data system for the state.

History. Acts 2011, No. 1195, § 1; 2013, No. 1173, § 2; 2015, No. 218, § 3; 2015, No. 1258, § 3; 2019, No. 910, § 1948.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: "LEGISLATIVE FINDINGS. The General Assembly finds:

"(1) Amendment 92 to the Arkansas Constitution states in part: 'The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and

approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section';

"(2) As Amendment 92 does not define the term 'state agency', the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

"(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education

from the definition of ‘state agency’ applied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

6-60-903. Compliance by institutions of higher education.

(a) An institution of higher education shall provide the data required under this subchapter at the time and in the manner:

(1) Required by rules of the Arkansas Higher Education Coordinating Board; and

(2) Published from time to time by the Division of Higher Education.

(b) Within two (2) weeks of an institution of higher education’s failure to comply with the requirements for submission of data published by the division, the division shall report to the Legislative Council:

(1) The name of an institution of higher education that has not complied with the deadline;

(2) The type of data the institution of higher education failed to submit;

(3) The length of time of noncompliance; and

(4) Any additional information requested by the Legislative Council.

History. Acts 2011, No. 1195, § 1; 2015, No. 218, § 4; 2015, No. 1258, § 4; 2019, No. 910, §§ 1949, 1950.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: “LEGISLATIVE FINDINGS.

The General Assembly finds:

“(1) Amendment 92 to the Arkansas Constitution states in part: ‘The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section’;

“(2) As Amendment 92 does not define the term ‘state agency’, the General Assembly may establish a definition by law

Publisher’s Notes. Acts 2015, No. 1258, § 3 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” throughout the section; deleted “By December 31, 2011” from the beginning of (b)(1); and substituted “Division of Elementary and Secondary Education” for “Department of Education” twice in (b)(2)(B)(i) and in (d).

as part of its implementation of Amendment 92;

“(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of ‘state agency’ applied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

Publisher’s Notes. Acts 2015, No. 1258, § 4 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in (a)(2); and substituted "division" for "department" twice in the introductory language of (b).

SUBCHAPTER 10 — FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT

SECTION.

6-60-1001. Title.
 6-60-1002. Legislative intent.
 6-60-1003. Definitions.
 6-60-1004. Protected expressive activities.
 6-60-1005. Public forums.
 6-60-1006. Freedom of association —
 Nondiscrimination against

SECTION.

students and student organizations.
 6-60-1007. Free expression policies.
 6-60-1008. Accountability to the public.
 6-60-1009. Remedies.
 6-60-1010. Statute of limitations.

6-60-1001. Title.

This subchapter shall be known and may be cited as the "Forming Open and Robust University Minds (FORUM) Act".

History. Acts 2019, No. 184, § 1.

6-60-1002. Legislative intent.

The General Assembly finds that:

(1) The First Amendment to the United States Constitution and the Arkansas Constitution protect the rights of free speech, freedom of the press, freedom of religion, and freedom of association for all citizens;

(2) The United States Supreme Court has called public universities "peculiarly the marketplace of ideas", *Healy v. James*, 408 U.S. 169, 180 (1972), where young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate the exercise of those rights by others, and there is "no room for the view that ... First Amendment protections should apply with less force on college campuses than in the community at large", *Healy*, 408 U.S. at 180;

(3) The exercise of First Amendment rights on the campuses of state-supported institutions of higher education in this state is a critical component of the education experience for students and requires that each state-supported institution of higher education in this state ensure free, robust, and uninhibited debate and deliberation by students, whether on or off campus;

(4) State-supported institutions of higher education in this state and elsewhere should provide adequate safeguards for the First Amendment rights of their students to avoid a stifling of expression on campus;

(5) The United States Supreme Court has warned that if state-supported institutions of higher education stifle student speech and prevent the open exchange of ideas on campus, "our civilization will stagnate and die", *Sweezy vs. New Hampshire*, 354 U.S. 234, 250 (1957);

(6) A significant amount of taxpayer dollars is appropriated to state-supported institutions of higher education each year, and the General Assembly must ensure that all state-supported institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all; and

(7) State-supported institutions of higher education should strive to ensure the fullest degree of intellectual and academic freedom and free expression, and it is not the proper role of state-supported institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, including without limitation ideas and opinions the individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.

History. Acts 2019, No. 184, § 1.

6-60-1003. Definitions.

As used in this subchapter:

(1) "Benefit" means the following:

(A) Recognition;

(B) Registration;

(C) The use of facilities of a state-supported institution of higher education for meetings or speaking purposes;

(D) The use of channels of communication; and

(E) Funding sources that are available to student organizations at the state-supported institution of higher education;

(2) "Campus community" means:

(A) A state-supported institution of higher education's:

(i) Students;

(ii) Administrators;

(iii) Faculty; and

(iv) Staff; and

(B) Invited guests of:

(i) The state-supported institution of higher education; or

(ii) Any individual in subdivisions (2)(A)(i)-(iv) of this section;

(3) "Counter demonstration" means lawful action or conduct that:

(A) Criticizes or objects to an expressive activity on campus; and

(B) Does not violate the rights of others in the campus community by materially disrupting previously scheduled or reserved activities in a portion or section of the campus at that scheduled time;

(4) "Free-speech zone" means an area on the campus of a state-supported institution of higher education that is designated for the purpose of engaging in an expressive activity;

(5) "Harassment" means expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the state-supported institution of higher education;

(6)(A) "Materially and substantially disrupts" means a disruption that occurs when a person, with the purpose or knowledge of

significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group, or prevents the transaction of the business of a lawful meeting, gathering, or procession by:

- (i) Engaging in fighting, violence, or other unlawful behavior; or
- (ii) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

(B) "Materially and substantially disrupts" does not include conduct that is protected under the First Amendment to the United States Constitution or Arkansas Constitution, Article 2, §§ 4, 6, and 24, which includes without limitation:

(i) Lawful protests in an outdoor area of campus that is generally accessible to members of the campus community, except during times when the area has been reserved in advance for another event; or

(ii) Minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration;

(7)(A) "Outdoor areas of campus" means the generally accessible outside areas of the campus of a state-supported institution of higher education where members of the campus community are commonly allowed, including without limitation:

- (i) Grassy areas;
- (ii) Walkways; and
- (iii) Other similar common areas.

(B) "Outdoor areas of campus" does not include outdoor areas where access by the majority of the campus community is restricted;

(8)(A) "State-supported institution of higher education" means without limitation an Arkansas state-funded:

- (i) Community college; or
- (ii) University.

(B) "State-supported institution of higher education" does not include:

(i) A public school, public or private institution of higher education, or public or private technical school that operates within the Division of Correction or the Division of Community Correction, or the Division of Youth Services;

(ii) An educational program that is provided or facilitated by the Division of Correction or the Division of Community Correction, or the Division of Youth Services; or

(iii) A private institution of higher education, regardless of whether the private institution of higher education receives any form of state support, including without limitation the receipt of funds on behalf of students attending the private institution of higher education who receive state-supported scholarships;

(9) "Student" means any person who is enrolled on a full-time or part-time basis in a state-supported institution of higher education; and

(10) "Student organization" means an officially recognized group at a state-supported institution of higher education or a group seeking

official recognition, composed of admitted students that receive or are seeking to receive benefits through the state-supported institution of higher education.

History. Acts 2019, No. 184, § 1; 2019, No. 633, § 1.

Amendments. The 2019 amendment added (8)(B)(iii).

6-60-1004. Protected expressive activities.

Expressive activities protected under this subchapter consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation:

- (1) Communicating through any lawful verbal, written, or electronic means;
- (2) Participating in peaceful assembly;
- (3) Protesting;
- (4) Making speeches, including without limitation those of guest speakers;
- (5) Distributing literature;
- (6) Making comments to the media;
- (7) Carrying signs; and
- (8) Circulating petitions.

History. Acts 2019, No. 184, § 1.

6-60-1005. Public forums.

(a) An outdoor area of campus of a state-supported institution of higher education shall be deemed a public forum for members of the campus community.

(b) State-supported institutions of higher education:

(1) Shall not create free-speech zones or other designated outdoor areas of campus outside of which expressive activities are prohibited; and

(2)(A) May maintain and enforce reasonable time, place, and manner restrictions for outdoor areas of campus that are narrowly tailored to serve a significant institutional interest only when such restrictions:

(i) Employ clear, published, content- and viewpoint-neutral criteria; and

(ii) Provide for ample alternative means of expression.

(B) Any restrictions under subdivision (b)(2)(A) of this section shall allow for members of the campus community to spontaneously and contemporaneously assemble, speak, and distribute literature.

(c) A member of the campus community who wants to engage in noncommercial expressive activity in an outdoor area of campus of a state-supported institution of higher education shall be permitted to do so freely as provided under subsection (b) of this section if the individual's conduct:

(1) Is not unlawful; and

(2) Does not materially and substantially disrupt, as defined under § 6-60-1003, the functioning of the state-supported institution of higher education.

(d) This section shall not be interpreted as:

(1) Limiting the right of campus community member expression elsewhere on campus;

(2) Preventing a state-supported institution of higher education from prohibiting, limiting, or restricting expression that the First Amendment to the United States Constitution does not implicate, including without limitation true threats and expression directed to provoke imminent lawless actions and likely to produce it, or prohibiting harassment as defined by § 6-60-1003; or

(3) Allowing an individual to engage in conduct that materially and substantially disrupts, as defined under § 6-60-1003, another person's expressive activity if the other person's activity is occurring in an area of campus that is reserved for an activity under the exclusive use or control of a particular group.

History. Acts 2019, No. 184, § 1.

6-60-1006. Freedom of association — Nondiscrimination against students and student organizations.

A state-supported institution of higher education shall not deny a student organization any benefit or privilege available to any other student organization or otherwise discriminate against an organization based on the expression of the organization, including any requirement that the leaders or members of an organization:

(1) Affirm and adhere to the organization's sincerely held beliefs or statement of principles;

(2) Comply with the organization's standards of conduct; and

(3) Further the organization's mission or purpose, as defined by the student organization.

History. Acts 2019, No. 184, § 1.

6-60-1007. Free expression policies.

State-supported institutions of higher education shall:

(1) Make public in their handbooks, on their websites, and through their orientation programs for students the policies, regulations, and expectations of students regarding free expression on campus consistent with this subchapter; and

(2) Develop materials, programs, and procedures to ensure that those persons who have responsibility for discipline or education of students, such as administrators, campus police officers, residence life officials, and faculty, understand the policies, regulations, and duties of state-supported institutions of higher education regarding free expression on campus consistent with this subchapter.

History. Acts 2019, No. 184, § 1.

6-60-1008. Accountability to the public.

Each state-supported institution of higher education shall submit to the Governor and Legislative Council a report that details:

(1) The course of action implemented to ensure compliance with the requirements of this subchapter by ninety (90) days after July 24, 2019; and

(2) Any changes or updates to the chosen course of action within thirty (30) days after making the changes or updates.

History. Acts 2019, No. 184, § 1.

6-60-1009. Remedies.

(a) A person or student organization aggrieved by a violation of this subchapter may:

(1) Bring an action against the state-supported institution of higher education and any other persons responsible for the violation and seek appropriate relief, including without limitation:

(A) Injunctive relief;

(B) Reasonable attorney's fees; and

(C) Expenses; and

(2) Assert such violation as a defense or counterclaim in any disciplinary action or in any civil or administrative proceeding brought against the person or student organization.

(b) This section does not limit any other remedies available to any person or student organization.

History. Acts 2019, No. 184, § 1.

6-60-1010. Statute of limitations.

A person or student organization is required to bring suit for violation of this subchapter not later than three (3) years after the day the cause of action accrues.

History. Acts 2019, No. 184, § 1.

SUBCHAPTER 11 — STUDENT JOURNALISTS

SECTION.

6-60-1101. Definitions.

6-60-1102. Students' right of expression.

SECTION.

6-60-1103. Prohibited expression.

6-60-1101. Definitions.

As used in this subchapter:

(1) "Protected activity" means an expression of free speech or freedom of the press as guaranteed by the First Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 6;

(2)(A) "School-sponsored media" means any material that is:

- (i) Prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education;
- (ii) Distributed or generally made available to members of a student body at a public institution of higher education; and
- (iii) Prepared under the direction of a student media adviser.

(B) "School-sponsored media" does not include any media that are prepared as communications on behalf of a public institution of higher education intended for distribution or transmission;

(3) "Student journalist" means a student at a public institution of higher education who engages in journalistic activities as part of a formal program of instruction and training at a public institution of higher education, or as part of a recognized student organization at a public institution of higher education, by gathering, compiling, writing, editing, photographing, or preparing information for dissemination through school-sponsored media; and

(4) "Student media adviser" means an individual who is employed, appointed, or designated by a public institution of higher education to supervise or provide instruction to a student journalist with respect to school-sponsored media.

History. Acts 2019, No. 395, § 1.

6-60-1102. Students' right of expression.

(a)(1) Except as provided in § 6-60-1103, a student journalist has the right to engage in protected activities in school-sponsored media.

(2) This right exists regardless of whether the school-sponsored media are:

(A) Supported financially by the public institution of higher education;

(B) Produced using the facilities of the public institution of higher education; or

(C) Produced in conjunction with a class in which the student journalist is enrolled at the public institution of higher education.

(b) A student journalist is responsible for determining the news, opinions, features, and advertising content of any school-sponsored media, except as provided in § 6-60-1103.

(c) This section does not prevent a student media adviser or academic supervisor from teaching student journalists professional standards and responsibilities with respect to the English language and journalism or using professional academic judgment to assign work or evaluate the student journalist's performance as a journalist.

(d) A student media adviser shall not be dismissed, suspended, or disciplined for:

(1) Protecting a student journalist who engages in a protected activity under this subchapter; or

(2) Refusing to infringe on a student journalist's right to engage in a protected activity under this subchapter.

(e)(1) A student journalist who engages in a protected activity under this subchapter does not represent an expression of the policy of a public institution of higher education.

(2) The following institutions and individuals shall not be liable in any civil or criminal action for actions taken by a student journalist who engages in a protected activity under this subchapter:

- (A) A public institution of higher education;
- (B) An official of a public institution of higher education;
- (C) An employee of a public institution of higher education; or
- (D) A parent or legal guardian of a student journalist.

History. Acts 2019, No. 395, § 1.

6-60-1103. Prohibited expression.

The following types of expression by a student journalist are not protected activities under this subchapter:

- (1) School-sponsored media that are libelous, slanderous, or obscene, as defined by state law;
- (2) School-sponsored media that constitute an unwarranted invasion of privacy;
- (3) School-sponsored media that violate federal or state law;
- (4) School-sponsored media that constitute or incite students as to create:
 - (A) An unlawful act or a clear and present danger of the commission of an unlawful act;
 - (B) A violation of a policy of:
 - (i) The public institution of higher education at which the activity is occurring; or
 - (ii) The Division of Higher Education; or
 - (C) A material and substantial disruption of the orderly operation of a public institution of higher education; or
- (5) School-sponsored media that involve the unauthorized use of the marks or logos of a public institution of higher education.

History. Acts 2019, No. 395, § 1.

SUBCHAPTER 12 — TRANSPARENCY IN FOREIGN INVESTMENT ACT

SECTION.	SECTION.
6-60-1201. Title.	6-60-1204. Foreign gifts and contracts —
6-60-1202. Definitions.	Acceptance and disclosure.
6-60-1203. Confucius Institutes — Certain affiliated entities — Prohibited.	6-60-1205. Gifts and contracts — Annual disclosure report.

Effective Dates. Acts 2021, No. 1020, § 2: Apr. 29, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Chinese Communist Party has already been found to have placed

spies in institutions of higher education in this state; that it is necessary to preserve the state's security and ensure transparency in the actions taken by state-supported institutions of higher education; and that this act is immediately necessary before the upcoming academic year in order to prohibit certain contracts and gifts that may be entered into or received during the upcoming academic year. Therefore, an emergency is declared to

exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-60-1201. Title.

This subchapter shall be known and may be cited as the "Transparency in Foreign Investment Act".

History. Acts 2021, No. 1020, § 1.

6-60-1202. Definitions.

As used in this subchapter:

(1) "Confucius Institute" means a Confucius Institute operated by the Office of Chinese Language Council International, also known as the "Haban", which is affiliated with the Ministry of Education of the People's Republic of China;

(2) "Contract" means an agreement for the acquisition by purchase, lease, or barter of property or services between a foreign source and an institution for the direct benefit of or use by either of the parties;

(3) "Foreign source" means:

(A) A foreign government, including without limitation an agency of a foreign government;

(B) A legal entity, government or otherwise, created solely under the laws of a foreign state or states;

(C) An individual who is not a citizen or a national of the United States or a trust territory or a protectorate of a trust territory; or

(D) An agent, including without limitation a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source, as described by subdivisions (3)(A)-(C) of this section;

(4) "Gift" means a gift of money or property; and

(5) "Institution" means a state-supported:

(A) Two-year institution of higher education; or

(B) Four-year institution of higher education.

History. Acts 2021, No. 1020, § 1.

6-60-1203. Confucius Institutes — Certain affiliated entities — Prohibited.

An institution shall not host:

(1) A Confucius Institute; or

- (2) Any entity with an affiliation with:
 - (A) The People's Republic of China;
 - (B) The Chinese Communist Party; or
 - (C) China's People's Liberation Army.

History. Acts 2021, No. 1020, § 1.

6-60-1204. Foreign gifts and contracts — Acceptance and disclosure.

(a) An institution shall not accept a gift from a foreign source or enter into a contract with a foreign source if the institution believes that doing so would threaten:

- (1) The integrity of the institution's research, instruction, or operations;
- (2) The institution's intellectual property rights;
- (3) The protection of confidential information; or
- (4) The safety and security of:
 - (A) The institution;
 - (B) The institution's personnel and students;
 - (C) This state; or
 - (D) The United States.

(b) If an institution receives a gift from a foreign source valued at more than two hundred fifty thousand dollars (\$250,000), the institution shall disclose the following information without limitation with respect to the gift:

- (1) The dollar value of the gift;
- (2) The name and national affiliation of the foreign source funding the gift;
- (3) The department, college, school, or other business unit of the institution to which the gift was made;
- (4) The date the gift was received; and
- (5) A brief description of the gift.

(c) If an institution enters into a contract with a foreign source valued at more than two hundred fifty thousand dollars (\$250,000), the institution shall disclose the following information without limitation with respect to the contract:

- (1) The dollar value of the contract;
- (2) The name and national affiliation of the foreign source entering into the contract with the institution;
- (3) The department, college, school, or other business unit of the institution that benefits from the contract;
- (4) The effective date and termination date of the contract; and
- (5) A brief description of the terms of the contract.

(d) If an institution receives multiple gifts from foreign sources affiliated with the same foreign government and each of the gifts is valued at two hundred fifty thousand dollars (\$250,000) or less but the aggregate value of the gifts is more than two hundred fifty thousand dollars (\$250,000), the institution shall disclose each of the gifts as required under subsection (b) of this section.

(e) If an institution enters into multiple contracts with foreign sources affiliated with the same foreign government and each of the contracts is valued at two hundred fifty thousand dollars (\$250,000) or less but the aggregate value of the contracts is more than two hundred fifty thousand dollars (\$250,000), the institution shall disclose each of the contracts as required under subsection (c) of this section.

History. Acts 2021, No. 1020, § 1.

6-60-1205. Gifts and contracts — Annual disclosure report.

(a) By July 31, 2021, and by July 31 of each year thereafter, each institution shall prepare a gifts and contracts disclosure report that includes the information required under § 6-60-1204 regarding gifts from foreign sources and contracts entered into with foreign sources.

(b) The annual gifts and contracts disclosure report required under subsection (a) of this section shall:

(1) Be submitted to the:

(A) Secretary of the Department of Finance and Administration; and

(B) Department of Public Safety; and

(2) Disclose the gifts received from foreign sources and contracts entered into with foreign sources during the fiscal year ending on June 30 immediately preceding the reporting deadline under subsection (a) of this section.

(c) If an institution does not have a gift or contract subject to the disclosure reporting requirement under subsection (a) of this section, the institution shall submit a gifts and contracts disclosure report stating that the institution does not have a gift from a foreign source or a contract entered into with a foreign source subject to disclosure.

(d) The secretary shall make the gifts and contracts disclosure reports required under this section publicly available on the website of the Department of Finance and Administration.

History. Acts 2021, No. 1020, § 1.

SUBCHAPTER 13 — INFORMATION REGARDING THE COST OF COLLEGE AND JOB OPPORTUNITIES

SECTION.

6-60-1301. Definition.

6-60-1302. Information collected by Division of Higher Education.

6-60-1303. Information published to public by Division of Higher Education.

SECTION.

6-60-1304. Information published and distributed to middle and high school students by Department of Education.

6-60-1305. Effective date.

A.C.R.C. Notes. Acts 2021, No. 1066, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) A fundamental goal of Arkansas's secondary and higher education system is not only to educate and enrich young people, but also to help young people establish a solid foundation for good-paying work;

"(2) The cost of college continues to increase for young individuals across the country, and student debt has become the second-largest financial debt vehicle in the United States;

"(3) The General Assembly is proud of its institutions of higher education and believes they can compete with any in the

nation, but their cost to enrollees must be as transparent as possible;

"(4) Middle and high school students deserve as much access as possible to information regarding the costs of college and future job opportunities in the state;

"(5) Arkansas employers need workers with varied skills and education levels, and future Arkansas workers should have a clear idea of what steps are required to pursue the career of their choice; and

"(6) The constantly changing nature of educational opportunities and the job market requires up-to-date information for anyone seeking a job or an education in Arkansas to properly navigate the marketplace."

6-60-1301. Definition.

As used in this subchapter, "college" means a state-supported two-year or four-year institution of higher education.

History. Acts 2021, No. 1066, § 2.

6-60-1302. Information collected by Division of Higher Education.

(a) The Division of Higher Education shall collect and compile the following information without limitation on an annual basis:

(1) The most in-demand jobs in the state, including without limitation the approximate starting salaries and education levels required for those jobs;

(2) The approximate average cost for all colleges in the state;

(3) The average monthly federal student loan payment for individuals who attend or who have graduated from all colleges in the state;

(4) The average three-year federal student loan default rate for all colleges in the state;

(5) The average total federal student loan debt for graduates of in-state colleges for four-year degrees and graduate programs;

(6) The average graduation rate for all colleges in the state;

(7) The completion rates for:

(A) Apprenticeship programs;

(B) High school credential programs; and

(C) Career and technical education programs;

(8) The share of college graduates working in an occupation that does not require a college degree for each major;

(9) The approximate average starting salary for individuals graduating from a college;

(10) The approximate average starting salary for individuals who have completed:

- (A) An apprenticeship program;
- (B) A high school credential program; or
- (C) A career and technical education program; and

(11) The approximate average starting salary for individuals graduating from a two-year college in the state.

(b) The Division of Higher Education shall work with the following entities without limitation to collect and compile the information required under subsection (a) of this section:

- (1) The Arkansas State Chamber of Commerce;
- (2) The Division of Career and Technical Education;
- (3) The Division of Elementary and Secondary Education;
- (4) The Division of Information Systems; and
- (5) The Department of Commerce.

(c)(1) The information collected and compiled under subsection (a) of this section shall utilize current state reports compiled into a single, easily understandable digest.

(2) The state reports to be utilized shall include without limitation the:

- (A) Higher Education Consumer Guide;
- (B) Arkansas Economic Security Report;
- (C) Ready for Life initiative report and Arkansas Statewide Longitudinal Data System;
- (D) College Scorecard; and
- (E) Integrated Postsecondary Education Data System Data Feedback reports of the National Center for Education Statistics.

History. Acts 2021, No. 1066, § 2.

6-60-1303. Information published to public by Division of Higher Education.

(a) The Division of Higher Education shall partner with the Ready for Life initiative to include information required under § 6-60-1302 in the Ready for Life searchable database, which shall include without limitation:

- (1) Approximate average annual cost;
- (2) Average graduation rate;
- (3) Average salary after attending;
- (4) Highest paying salaries for top five (5) majors;
- (5) Full-time enrollment head count;
- (6) Race and ethnicity information of enrollees in each program;
- (7) Percentage of students in student loan default;
- (8) Typical total federal student loan debt after graduation;
- (9) Percentage of students receiving federal student loans;
- (10) Typical monthly federal student loan payment;
- (11) The average one-year retention rate of students majoring in the top five (5) majors; and

(12) Average success rates, which measure the percentage of students who have graduated, transferred, or are still enrolled in colleges in this state.

(b)(1) The database established under subsection (a) of this section shall provide individuals with the ability to select a specific major or program at a specific college.

(2) Upon selecting a specific major or program at a specific college while using the database, the following overview shall be provided, to be filled in with information required under subsection (a) of this section as it applies to the specific major or program at the specific college that the individual selected:

“For every 100 students starting in {insert major} in this state, {insert number} will graduate in 6 years; of those, {insert number} will get a job with an average starting salary of {insert salary} within 6 months of graduation. The average debt for the graduates will be {insert debt}. The total cost on average for this degree is {insert total amount paid}. Of the {insert number} who don’t graduate, they will accumulate an average debt of {insert debt}.”

History. Acts 2021, No. 1066, § 2.

6-60-1304. Information published and distributed to middle and high school students by Department of Education.

The Department of Education shall publish and distribute to middle and high school students in the State of Arkansas on an annual basis a comparison, using the information collected under § 6-60-1302, that contains the following information without limitation:

(1) The top fifty (50) majors for four-year degrees by salaries after graduating;

(2) The top twenty (20) career and technical education and certificate programs by salaries after graduating or receiving a certificate of completion; and

(3) The top twenty-five (25) most in-demand jobs in the state and their corresponding starting salaries and education requirements.

History. Acts 2021, No. 1066, § 2.

6-60-1305. Effective date.

The requirements of this subchapter shall be effective no later than July 1, 2022.

History. Acts 2021, No. 1066, § 2.

CHAPTER 61

POSTSECONDARY INSTITUTIONS GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS HIGHER EDUCATION COORDINATING BOARD.
3. ESTABLISHMENT AND EXPANSION.
4. GRANT PROGRAMS.
5. COMMUNITY COLLEGES GENERALLY.
8. ARKANSAS RESEARCH DEVELOPMENT ACT.
9. OFFICE OF ACCOUNTABILITY.
12. SOUTHWEST ARKANSAS HIGHER EDUCATION CONSORTIUM. [REPEALED.]
13. PRODUCTIVITY ENHANCEMENT FOR UNDERGRADUATE HIGHER EDUCATION ACT. [REPEALED.]
14. COMMON COURSE NUMBERING SYSTEM.
15. ELECTRICAL ENERGY ADVANCEMENT PROGRAM.
16. ARKANSAS ENERGY SUMMARY AND REPORT.
17. HIGHER EDUCATION CONSUMER GUIDE ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-61-105. Course in American history or civil government required.
- 6-61-106. [Repealed.]
- 6-61-111. [Repealed.]
- 6-61-112. Student or student's spouse called into military service.
- 6-61-124. Reporting minority students who complete an education program — Definitions.
- 6-61-127. [Repealed.]
- 6-61-129. Establishment of centers of excellence — Definition.
- 6-61-131. Student accounts receivable policies at state-supported institutions of higher education.

SECTION.

- 6-61-133. Professional development for mandated reporters and licensed elementary and secondary public school personnel — Definitions.
- 6-61-134. Associate of applied science degree — Mathematics requirement.
- 6-61-137. Presentation of expenditure data by state-supported institutions of higher education — Definition.
- 6-61-139. Emergency or security records or information — Disclosure exempted.
- 6-61-140. Panic button alert systems.
- 6-61-141. Duplication of services.

Effective Dates. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emer-

gency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2019, No. 873, § 45: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative

session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions

impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-61-105. Course in American history or civil government required.

(a) A state-supported institution of higher education shall not grant to any student a baccalaureate degree unless he or she has passed a course in American history or civil government, including:

(1) Instruction in the essentials of the United States Constitution; and

(2) The study of American institutions and ideals.

(b) The Division of Higher Education shall see to the strict carrying out of this section and may take such steps and measures as may be necessary to effectuate its provisions.

History. Acts 1923, No. 614, §§ 4, 5; Pope's Dig., §§ 3602, 3603, 11732, 11733; A.S.A. 1947, §§ 80-1615, 80-1616; Acts 2003, No. 267, § 1; 2017, No. 870, § 1; 2019, No. 910, § 1951.

Amendments. The 2017 amendment, in the introductory language of (a), substituted “A state-supported institution of higher education shall not” for “No college or university, normal school, or chartered institution of learning under the authority

of the State of Arkansas shall” and “a” for “any” preceding “baccalaureate degree”, and inserted “including”; added (a)(1) and (a)(2); deleted former (b) and (c); redesignated former (d) as present (b); and, in present (b), substituted “shall” for “is directed to” and “may” for “is authorized to” preceding “take such steps”.

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (b).

6-61-106. [Repealed.]

Publisher's Notes. This section, concerning a course in the United States Constitution and American institutions and ideals being required, was repealed

by Acts 2017, No. 870, § 2. The section was derived from Acts 1923 (1st Ex. Sess.), No. 31, §§ 1, 2, 4; 2003, No. 267, § 2.

6-61-111. [Repealed.]

Publisher's Notes. This section, concerning student assessment programs, was repealed by Acts 2021, No. 79, § 1, effective July 28, 2021. The section was derived from Acts 1989, No. 98, § 3.

6-61-112. Student or student's spouse called into military service.

(a) A student who ceases attendance at a state-supported postsecondary educational institution without completing and receiving a grade in one (1) or more courses shall receive compensation for the resulting monetary loss as provided under this section if the student ceases attendance because:

- (1) The student is activated or deployed by the military; or
- (2) The student's spouse is activated or deployed by the military and the student or the student's spouse has dependent children residing in the household.

(b)(1) To be eligible for the compensation described under this section, the student must provide, prior to activation or deployment, an original or official copy of the military activation or deployment orders to the registrar or other designated school official of the state-supported postsecondary educational institution at which the student is enrolled at the time of military activation or deployment.

(2) To be eligible for the compensation described under this section, a student whose spouse is a service member shall provide proof of registration with the Defense Enrollment Eligibility Reporting System of the United States Department of Defense that establishes that dependent children reside in the household of the student and service member.

(c)(1) The student shall choose from one (1) of the following three (3) compensatory options regarding tuition:

(A) A complete refund of tuition and general fees that are assessed against all students at the institution;

(B) At least one (1) year to complete the course work after the student's or student's spouse's deactivation; or

(C)(i) Free tuition for one (1) semester at the institution where the student's attendance was interrupted unless federal aid is made available to compensate the student for the resulting monetary loss related to the student's or student's spouse's activation or deployment.

(ii) Federal aid shall not include Pell Grants, other federal grants, or other monetary benefits paid to the student directly or at the student's direction.

(iii) If a student or student's spouse is activated or deployed during a semester, the student shall not receive more than one (1) semester of free tuition under this subdivision (c)(1)(C).

(2) This subsection shall not allow a student to recover any amount in excess of the student's actual monetary loss.

(d)(1) The student shall receive a proportionate refund of room, board, and other fees that were paid to the institution based on the date of the student's notice of withdrawal from the institution.

(2) If an institution contracts for room, board, or other services from a third party, then the third-party contractor shall provide a refund to the institution for the services or fees in an amount equal to the student's monetary loss under subdivision (d)(1) of this section.

(e) The student shall receive the maximum price, based on condition, for the textbooks related to the uncompleted courses if the institution has a policy of repurchasing textbooks.

(f)(1) A student's eligibility for a state-supported scholarship, grant, or loan for attendance at a postsecondary educational institution shall not be affected by the student's failure to complete any coursework because of the student's or student's spouse's military activation or deployment.

(2) The Division of Higher Education shall adopt the necessary rules to ensure that state-supported scholarship, grant, and loan programs comply with the provisions of this section.

(g)(1) For each fiscal year, each state-supported institution of higher education in the state shall report the type and amount of compensatory options provided under this section to the division.

(2) The division shall report to the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth regarding the type and amount of compensatory options provided under this section by each state-supported institution of higher education no later than October 1 of each year beginning in 2006 and each year thereafter.

History. Acts 1991, No. 310, §§ 1-3; substituted "Division of Higher Education" for "Department of Higher Education" in (f)(2); and substituted "division" for "department" in (g)(1) and (g)(2).
2005, No. 85, § 1; 2007, No. 16, § 1; 2019, No. 910, §§ 1952, 1953.

Amendments. The 2019 amendment

6-61-124. Reporting minority students who complete an education program — Definitions.

(a) For the purposes of this section:

(1) "Endorsed areas" include, but are not limited to, library media specialists, gifted and talented specialists, and curriculum specialists; and

(2) The term "minority" means African-Americans, Hispanic Americans, Asian Americans, and Native Americans.

(b)(1) All state-supported colleges and universities in Arkansas shall report to the Division of Elementary and Secondary Education as soon as possible after each semester a list of each minority student who:

(A) Has completed college or university requirements to receive a recommendation for licensure as a public school teacher, administrator, counselor, and other endorsed areas; and

(B) Has signed a consent form authorizing the college or university to report such information to the division.

(2) The list required in subdivision (b)(1) of this section shall indicate the name, address, and major of the student graduating with an education degree.

(c)(1) The division shall maintain a database based upon the reports provided by each college and university under subsection (b) of this section.

(2) The database shall also include the name, address, and major of any minority Arkansas resident with an education degree who requests such information to be added to the database.

(3)(A) The database shall be made accessible upon request to every public school superintendent in this state or other official designated by the superintendent for the purpose of recruiting faculty and staff.

(B) The database provided for in this section shall not be made available to any school or person located outside this state.

History. Acts 1999, No. 905, §§ 1-3; Secondary Education” for “Department of Education” in the introductory language of (b)(1); and substituted “division” for “department” in (b)(1)(B) and (c)(1).

2019, No. 910, §§ 1954-1956.
Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in the introductory language of (b)(1); and substituted “division” for “department” in (b)(1)(B) and (c)(1).

6-61-127. [Repealed.]

Publisher’s Notes. This section, concerning the Arkansas Higher Education Performance Reporting System, was repealed by Acts 2021, No. 79, § 2, effective

July 28, 2021. The section was derived from Acts 2003, No. 1463, § 12; 2015, No. 865, § 11; 2019, No. 910, §§ 1957, 1958.

6-61-129. Establishment of centers of excellence — Definition.

(a) For purposes of this section, “center of excellence” means a consortium of two (2) or more institutions of higher education working in collaboration with regional economic developers.

(b) The purpose of the centers of excellence shall be to address the workforce education and training needs for existing, expanding, or attracting new business and industry in each of the economic development regions of the state.

(c)(1) In order to improve the state’s ability to compete in the knowledge-based economy, the Arkansas Higher Education Coordinating Board may create acknowledged centers of excellence.

(2)(A) Institutions of higher education may submit proposals to the Division of Higher Education to become centers of excellence.

(B) In each proposal for creation of a center of excellence, institutions shall identify the center’s:

(i) Technical alignment or academic alignment, or both, to existing or future businesses and industries in the state; and

(ii) Collaboration plan to serve a particular occupation.

(d)(1) Two (2) representatives of the division as designated by the Director of the Division of Higher Education, and one (1) representative of the Arkansas Economic Development Commission shall meet as needed to review applications jointly.

(2) The division and the commission shall jointly make a recommendation to the board regarding which institutions shall be acknowledged as centers of excellence in a particular program or field of study based on factors, including, but not limited to:

- (A) Number, type, and demand for related jobs;
- (B) Quality of related instructional or research programs, or both;
- (C) Availability of faculty;
- (D) Student accessibility;
- (E) Feasibility of expected program cost; and
- (F) Research capability.

(e) Final approval of centers of excellence shall be made by the board.

(f) The designation of centers of excellence shall be fully reviewed at least one (1) time every five (5) years.

History. Acts 2005, No. 265, § 1; 2015 (1st Ex. Sess.), No. 7, § 72; 2015 (1st Ex. Sess.), No. 8, § 72; 2019, No. 910, §§ 1959-1961.

A.C.R.C. Notes. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 62, provided: "Transfer of the Arkansas Science and Technology Authority.

"(a)(1) The Arkansas Science and Technology Authority is transferred to the Arkansas Economic Development Commission by a type 2 transfer under § 25-2-105.

"(2) For the purposes of this act, the commission is the principal department under Acts 1971, No. 38.

"(b) The statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, of the authority are trans-

ferred to the commission, except as specified in this act.

"(c) The prescribed powers, duties, and functions, including rulemaking, regulation, and licensing; promulgation of rules, rates, regulations, and standards; and the rendering of findings, orders, and adjudication of the authority are transferred to the executive director of the commission, except as specified in this act.

"(d) The members of the Board of Directors of the Arkansas Science and Technology Authority, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the board except as specified in this act."

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (c)(2)(A), twice in (d)(1), and in (d)(2).

6-61-131. Student accounts receivable policies at state-supported institutions of higher education.

(a) A state-supported institution of higher education shall:

(1) Develop and adopt policies concerning:

(A)(i) Student accounts receivable.

(ii) A student accounts receivable aging report shall be provided annually to the governing board of the state-supported institution of higher education;

(B) The collection of delinquent accounts; and

(C) The prevention of students with long-standing delinquent account balances from registering for courses or completing courses; and

(2)(A) Review its policies and practices to ensure its compliance with census reporting guidelines promulgated by the Division of Higher Education.

(B) A review under this subdivision (a)(2) shall occur at the beginning of each fall semester.

(b) A policy developed under subdivision (a)(1) of this section shall be published in the student handbook of the state-supported institution of higher education and on the website of the state-supported institution of higher education.

(c) The Arkansas Higher Education Coordinating Board shall develop rules to implement this section.

History. Acts 2007, No. 50, § 1; 2019, No. 910, §§ 1962, 1963; 2021, No. 69, § 2.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (b)(2)(A); and substituted “division” for “department” in (c)(3).

The 2021 amendment deleted former (a) and redesignated former (b) and (c) as (a)

and (b); substituted “state-supported” for “two-year” in the section heading and the introductory language of (a); added (a)(1)(A)(ii) and redesignated former (a)(1)(A) as (a)(1)(A)(i); rewrote (b); added (c); and updated internal references.

6-61-133. Professional development for mandated reporters and licensed elementary and secondary public school personnel — Definitions.

(a) As used in this section:

(1) “Child maltreatment” means the abuse, sexual abuse, neglect, sexual exploitation, or abandonment of a child under the Child Maltreatment Act, § 12-18-101 et seq.; and

(2) “Licensed school personnel” means a person who works with students in an elementary or secondary public school, a public charter school, a school district, or an education service cooperative for whom a license issued by the State Board of Education is a condition of employment, including without limitation a:

- (A) School or school district administrator;
- (B) Teacher;
- (C) Coach for a school athletics program;
- (D) School counselor;
- (E) School social worker;
- (F) School psychologist; and
- (G) School nurse.

(b) For each degree program at an institution of higher education in this state that is a prerequisite for licensure or certification in a profession in which the professional is a child maltreatment mandated reporter under the Child Maltreatment Act, § 12-18-101 et seq., the Division of Higher Education shall coordinate with all the institutions of higher education to ensure that before receiving a degree, each graduate receives the professional development identified in subdivision (d)(1) of this section.

(c) Licensed school personnel shall obtain the professional development identified in subsection (d) of this section:

(1) Not more than one (1) year before the individual’s initial licensure; and

(2) According to the professional development schedule under § 6-17-709.

(d)(1) The professional development required under this section shall include without limitation:

(A) Recognizing the signs and symptoms of child maltreatment;

(B) The legal requirements of the Child Maltreatment Act, § 12-18-101 et seq., and the duties of mandated reporters under the Child Maltreatment Act, § 12-18-101 et seq.; and

(C) Methods for managing disclosures regarding child victims.

(2) In addition to the professional development required under subdivision (d)(1) of this section, licensed school personnel shall obtain professional development in connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

(e)(1) The professional development obtained by licensed school personnel may be obtained as in-person or online professional development.

(2) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall approve the curriculum for the professional development.

(3) Licensed school personnel shall document completed professional development according to the rules of the state board.

History. Acts 2007, No. 703, § 3; 2009, No. 758, § 7; 2011, No. 1236, § 1; 2013, No. 969, § 11; 2019, No. 910, § 1964. substituted "Division of Higher Education" for "Department of Higher Education" in (b).

Amendments. The 2019 amendment

6-61-134. Associate of applied science degree — Mathematics requirement.

(a) An applicable and appropriate nonremedial mathematics course is:

(1) An Arkansas Course Transfer System mathematics course with the "MATH" prefix;

(2) Applied mathematics; or

(3) A nonremedial mathematics course that satisfies the mathematics component of the associate of applied science degree and has been approved by the:

(A) State-supported institution of higher education offering the associate of applied science degree through the academic review process; and

(B) Division of Higher Education.

(b) Beginning July 2011, state-supported institutions of higher education shall require a college-level nonremedial mathematics course for an associate of applied science degree.

History. Acts 2009, No. 1197, § 1; 2019, No. 910, § 1965. substituted "Division of Higher Education" for "Department of Higher Education" in (a)(3)(B).

Amendments. The 2019 amendment

6-61-137. Presentation of expenditure data by state-supported institutions of higher education — Definition.

(a)(1) As used in this section, “expenditure data” means information regarding the spending of public funds that adequately identifies the purpose, amount, payor, and vendor, if such disclosure is permissible under the Freedom of Information Act of 1967, § 25-19-101 et seq., and federal laws or regulations.

(2) “Expenditure data” does not include expenses of pending litigation.

(b) A state-supported institution of higher education shall present expenditure data on a website operated by the state-supported institution of higher education.

(c) The website shall:

(1) Be updated on a regular basis to present expenditure data for the current fiscal year and prior year’s annual expenditures, starting with the 2013 fiscal year; and

(2) Retain expenditure data for each state fiscal year, starting with the 2013 fiscal year, until ten (10) years of expenditure data are available, after which the website shall retain at least ten (10) years of expenditure data.

(d)(1) The Division of Higher Education:

(A) May promulgate rules necessary to implement this section; and

(B) Shall develop internal guidelines necessary to implement this section.

(2) The division shall consult with the state-supported institutions of higher education in developing rules and internal guidelines necessary to implement this section.

History. Acts 2011, No. 1163, § 1; 2019, No. 910, § 1966.

Amendments. The 2019 amendment substituted “Division of Higher Educa-

tion” for “Department of Higher Education” in the introductory language of (d)(1); and substituted “division” for “department” in (d)(2).

6-61-139. Emergency or security records or information — Disclosure exempted.

The following records or other information is confidential and not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.:

(1) Records or other information of a state-supported institution of higher education that upon disclosure could reasonably be expected to be detrimental to the public safety, including records or other information concerning emergency or security plans, procedures, risk assessments, studies, measures, or systems; and

(2) Records or other information relating to the number of licensed security officers, certified law enforcement officers, or other security personnel employed by or contracting with a state-supported institution of higher education, as well as any personal information about those individuals.

History. Acts 2017, No. 541, § 2.

6-61-140. Panic button alert systems.

(a) Beginning with the 2017-2018 academic year, a state-supported institution of higher education may offer to its students, employees, and other personnel a panic button alert system that:

(1) Connects the user in real time with designated individuals, with the ability of contacting a live 911 operator;

(2)(A) Directly integrates into the existing statewide Smart911 system.

(B) The Smart911 system shall provide a way for a state-supported institution of higher education to geo-fence the campus and provide the Global Positioning System (GPS) location to assist emergency responders by automatically displaying during a 911 call;

(3) Is available for use on and off campus as a smartphone application and has a mechanism for panic notifications to be triggered by non-smartphone wireless callers and landline callers or automatic alert features in the event the user is unable to respond; and

(4) Has geo-tracking capability that can determine the location and movements of the person who engaged the panic button alert system.

(b) A state-supported institution of higher education may provide information to its students, employees, and other personnel to educate the students, employees, and other personnel on:

(1) The use of the panic button alert system; and

(2) How and where to obtain the panic button alert system.

History. Acts 2017, No. 984, § 1.

6-61-141. Duplication of services.

An institution of higher education that has its main campus, satellite campus, or center located within a twenty-five-mile radius of another main campus of an institution of higher education shall enter into a written agreement with that institution of higher education that shall address duplication of services between the institutions of higher education.

History. Acts 2019, No. 873, § 35.

SUBCHAPTER 2 — ARKANSAS HIGHER EDUCATION COORDINATING BOARD

SECTION.

6-61-201. Members — Meetings.

6-61-203. Director and staff — Funds — Central office.

6-61-204. Advisory committees and councils.

6-61-207. Role and scope designations.

6-61-210. [Repealed.]

6-61-215. Student tuition and fees — Reporting.

SECTION.

6-61-220. Retention and graduation rate information.

6-61-221. Reporting of graduates requiring postsecondary remediation.

6-61-222. Financial condition report.

6-61-224. [Repealed.]

6-61-226. Guidelines for course review.

6-61-227. Annual transfer credit report.

SECTION.

6-61-228 — 6-61-230. [Repealed.]

6-61-231. Statewide transfer agreement
— Definitions.

SECTION.

6-61-233. [Repealed.]

6-61-234. Productivity-based funding
model.

Effective Dates. Acts 2015, No. 978, § 46: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2015 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2015 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2015."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-201. Members — Meetings.

(a)(1) The Arkansas Higher Education Coordinating Board shall consist of twelve (12) members appointed by the Governor as follows:

(A)(i) Six (6) members who shall be:

(a) Qualified electors of the State of Arkansas; and

(b) Graduates of public two-year or four-year institutions of higher education within the state.

(ii) If an appointee under this subdivision (a)(1)(A) is serving as a member of a board of a two-year or four-year institution of higher education at the time of appointment to the Arkansas Higher Education Coordinating Board, the appointee shall relinquish his or her membership on the board of the two-year or four-year institution of higher education; and

(B)(i) Six (6) members shall be selected from business, industry, education, agriculturally related industry, and medical services and shall not be current members of a board of a public two-year or four-year institution of higher education.

(ii) At least one (1) of the appointees shall have a strong interest in and commitment to economic and workforce development.

(iii) At least one (1) of the appointees shall have experience in the knowledge-based technology field.

(2) No more than four (4) members of the Arkansas Higher Education Coordinating Board shall be appointed from any one (1) congressional district as the districts exist at the time of the appointment.

(b) Vacancies on the Arkansas Higher Education Coordinating Board shall be filled for the unexpired terms, and the appointments shall be made in the same manner as the positions vacated.

(c)(1) The members of the Arkansas Higher Education Coordinating Board shall serve staggered terms of six (6) years.

(2) The terms of two (2) members shall expire each year.

(d) An intensive orientation program designed by the Presidents Council shall be mandatory for members of the Arkansas Higher Education Coordinating Board.

(e) The Arkansas Higher Education Coordinating Board annually shall elect from its membership the Chair of the Arkansas Higher Education Coordinating Board and other officers necessary to carry on its business.

(f)(1) The Arkansas Higher Education Coordinating Board shall meet at least one (1) time during each calendar quarter and at other times upon the call of the chair or of any other four (4) members.

(2) The Arkansas Higher Education Coordinating Board shall, at the times that it desires, meet on the campuses of the respective public institutions of higher education in the state.

(g) Members of the Arkansas Higher Education Coordinating Board shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1977, No. 560, §§ 2, 3; A.S.A. 1947, §§ 80-4902, 80-4903; Acts 1991, No. 1244, § 4; 1997, No. 250, § 25; 1997, No. 1114, § 2; 1999, No. 1352, § 1; 2003 (1st Ex. Sess.), No. 25, § 36; 2015, No. 1100, § 6; 2019, No. 55, § 1; 2019, No. 1084, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207(b), subsection (a)(1) of this section is set out as amended by Acts 2019, No. 1084, § 1. Acts 2019, No. 55, § 1, also amended subdivision (a)(1) of this section to read:

“(a)(1) The Arkansas Higher Education Coordinating Board shall consist of twelve (12) members appointed by the Governor as follows:

“(A) Three (3) members shall be selected from the current or recent membership of the boards of public colleges or universities. If the person selected is serving on the membership of the board of a public campus, the person shall relinquish his or her membership on the board; and

“(B)(i) Nine (9) members shall be selected from business, industry, education, agriculturally related industry, and medical services and shall not be current members of a board of a public two-year or four-year campus.

“(ii) At least one (1) of the appointees shall have a strong interest in and commitment to economic and workforce development.

“(iii) At least one (1) of the appointees shall have experience in the knowledge-based technology field.”

Amendments. The 2019 amendment by No. 55, in (a)(1)(A), substituted “public colleges or universities” for “public two-year colleges” in the first sentence, and deleted “two-year” preceding “campus” in the second sentence; deleted (a)(1)(B) and redesignated former (a)(1)(C) as (a)(1)(B); and substituted “Nine (9) members” for “Six (6) members” in (a)(1)(B)(i).

The 2019 amendment by No. 1084 rewrote (a)(1); substituted “Arkansas

Higher Education Coordinating Board" subsections accordingly; substituted "public institutions of higher education" for "institutions of higher learning" in (f)(2); (c)(3), and redesignated the remaining and made stylistic changes.

6-61-203. Director and staff — Funds — Central office.

(a)(1)(A) The Arkansas Higher Education Coordinating Board shall appoint a director through a search and selection process that includes substantial input, review, and recommendation from the Presidents Council, subject to confirmation by the Governor.

(B) The Director of the Arkansas Higher Education Coordinating Board shall serve at the pleasure of the Governor.

(C) The director shall report to the Secretary of the Department of Education.

(2)(A) The director and other staff employed by the board shall demonstrate competence in the field of institutional management or agency management, institutional finance, financial aid, or institutional research.

(B) The director shall exhibit advanced coordination and communication skills.

(b) The salary of the director and other members of the staff employed by the board or the Department of Education shall be comparable to the positions requiring similar qualifications and experience.

(c) The staff of the board shall be under the direction and supervision of the director.

(d) The board shall be provided sufficient operating funds to enable it to carry out adequately the programs and functions assigned to the Division of Higher Education.

(e) The central office of the division shall be maintained in Little Rock.

(f)(1) The board shall evaluate the director annually.

(2) The council shall provide an evaluation report of the division and the director to the board at least annually.

History. Acts 1977, No. 560, § 23; A.S.A. 1947, § 80-4923; Acts 1997, No. 1114, § 3; 2013, No. 533, § 1; 2019, No. 910, § 1967.

Amendments. The 2019 amendment added (a)(1)(C); deleted former (a)(2), and redesignated former (a)(3) as (a)(2); inserted "or the Department of Education" in (b); substituted "Division of Higher Education" for "Department of Higher Education" in (d); and substituted "division" for "department" in (e) and (f)(2).

6-61-204. Advisory committees and councils.

(a) The Arkansas Higher Education Coordinating Board and the Presidents Council are authorized to establish advisory committees and councils as may be deemed necessary for the effective development and coordination of higher education in this state.

(b)(1) The Presidents Council shall be composed of all presidents and chancellors of public two-year and four-year colleges and universities.

(2) The Presidents Council shall meet at least quarterly.

(3) The Presidents Council shall serve in a strong advisory capacity to the Director of the Arkansas Higher Education Coordinating Board and to the board.

(4) All board items must be reviewed by the Presidents Council prior to being placed on the board's agenda.

(c)(1)(A) There is created the Executive Council, which shall be selected by the Presidents Council from its membership.

(B) The Executive Council shall consist of four (4) members from two-year campuses and four (4) members from four-year campuses.

(2) Executive Council members shall serve for staggered terms of two (2) years.

(3) The Executive Council shall elect officers as it deems necessary.

(4) The Executive Council shall meet at least monthly, or more frequently as needed, with the director and senior staff.

(5)(A) All items to be considered as board agenda items must be reviewed by the Executive Council before being placed on any board agenda.

(B) In the event that the director and staff shall not be in agreement with the Executive Council on a matter to be considered by the board, the Executive Council's recommendation will be placed on the board agenda automatically for a presentation and explanation of the Executive Council's position. The board will then make a decision based on both positions.

(d)(1)(A) A working committee structure shall be established involving the Presidents Council or its designees.

(B) Examples of possible committees include but are not limited to accountability, graduate studies, undergraduate studies, workforce development, continuing education, and finance and funding.

(2) The committees shall make recommendations to the Presidents Council and the director when policy or funding issues are to be decided.

(3) The Division of Higher Education employees shall staff each committee.

History. Acts 1977, No. 560, § 24; substituted "Division of Higher Education" for "Department of Higher Education" in (d)(3).
A.S.A. 1947, § 80-4924; Acts 1997, No. 1114, § 4; 2019, No. 910, § 1968.

Amendments. The 2019 amendment

6-61-207. Role and scope designations.

(a)(1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to establish, in consultation with college and university personnel, appropriate role and scope designations within which boards of trustees must operate the institution or institutions under their jurisdiction.

(2) The board shall establish such role and scope designations by January 1, 1990. The designations may be changed at any time as determined by the board. They shall be fully reviewed at least once every five (5) years.

(3) Prior to their establishment of or making a change in role and scope designations, the board shall carefully study the change in consultation with institutional personnel, announce the intent to consider a change, and publicly reveal the change that is being proposed at a regular quarterly meeting, with the vote to come no sooner than the next regular quarterly meeting.

(b) To assist the board and the Division of Higher Education in their effort to promote a coordinated system of higher education in Arkansas that addresses and responds to the changing economic needs of the state and the new economy, the Arkansas Economic Development Commission shall provide the division a list of the state's overall and regional economic development goals within ten (10) days of August 12, 2005, and by September 1 of each year thereafter.

(c)(1) The division may retain the services of consultants or other experts as may be necessary to carry out the review, and the division staff shall work directly with the consultants to handle the logistics of needed discussion groups, meeting minutes, and recommendation dissemination.

(2) The review process shall include an opportunity for institutions to provide input, as well as a time for public and business comment.

(3) Upon completion of the review, the division shall provide a report regarding its findings to the board, the Governor, the cochair of the Legislative Council, and the Director of the Bureau of Legislative Research.

(4) The requirements for a review under this section shall be contingent upon the appropriation and availability of funding for that purpose.

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904; Acts 1989, No. 397, § 1; 2005, No. 502, § 1; 2019, No. 910, § 1969.

substituted "Division of Higher Education" for "Department of Higher Education" in (b); and substituted "division" for "Department of Higher Education" in (b) and throughout (c).

Amendments. The 2019 amendment

6-61-210. [Repealed.]

Publisher's Notes. This section, concerning the allocation of additional state funds, was repealed by Acts 2017, No. 148,

§ 2. The section was derived from Acts 1971, No. 697, § 1; 2009, No. 962, § 6.

6-61-215. Student tuition and fees — Reporting.

Annually, by July 1, the Division of Higher Education shall report the tuition and mandatory fees charged to students, including all changes to tuition and mandatory fees, for each state-supported institution of

higher education to the House Committee on Education and the Senate Committee on Education.

History. Acts 1977, No. 560, § 4; A.S.A. substituted "Division of Higher Education" for "Department of Higher Education".
1947, § 80-4904; Acts 2015, No. 700, § 1;
2019, No. 910, § 1970.

Amendments. The 2019 amendment

6-61-220. Retention and graduation rate information.

(a)(1) Accurate information about the retention and graduation rates of students at state-supported colleges and universities is needed in order for the Arkansas Higher Education Coordinating Board, institutional boards of trustees, the General Assembly, and institutional faculty members and administrators to make informed decisions related to the coordination, governance, financing, and academic policies of higher education in Arkansas.

(2) Special attention to the retention and graduation rates of students who participate in intercollegiate athletics is needed because the percentage of student athletes who graduate is lower than for students who do not participate in athletics at many institutions throughout the nation.

(b)(1)(A) The Division of Higher Education, in consultation with the colleges and universities, shall recommend a system for the collection of information as to the retention and graduation rates of students at state-supported colleges and universities to the board, the Governor, the House Committee on Education, the Senate Committee on Education, and the colleges and universities.

(B) In addition to retention and graduation rates for all students, the report shall also include the retention and graduation rates of all students who participate in intercollegiate athletics.

(2) Except as provided in subsection (c) of this section, officials of state colleges and universities shall provide to the division the information requested by the division by December 1 of each year, beginning in 2000.

(3)(A) For the purpose of analysis by the Bureau of Legislative Research to guide the General Assembly's evaluation of the need for adjustments to eligibility and funding levels for state-supported student financial assistance, the Office of Accountability shall provide annually to the bureau all individual student demographic and test result data on ACT or ACT-equivalent college placement exams.

(B) The office shall provide the data in a database or spreadsheet format that omits personally identifiable information.

(c)(1) Subject to an adequate appropriation for the personnel and equipment necessary to implement the system recommended under subdivision (b)(1) of this section, the division shall collect the information described in subdivision (b)(1) of this section and report its findings to the board, the Governor, the House Committee on Education, the Senate Committee on Education, and the colleges and universities by May 1 of each year, beginning in 2000.

(2) Notwithstanding the provisions of subdivision (c)(1) of this section, colleges and universities shall commence the collection of information as to the retention and graduation rates of all students who participate in intercollegiate athletics beginning in the fall semester of 1989 and shall report this information to the division by December 1 of each year, beginning in 2000.

(d) The board is hereby authorized to promulgate rules consistent with the intent and purpose of this section.

History. Acts 1989, No. 267, §§ 1, 2; 1999, No. 478, § 7; 2009, No. 605, § 8; 2009, No. 606, § 8; 2019, No. 315, § 366; 2019, No. 910, § 1971.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (d).

The 2019 amendment by No. 910 substituted “Division of Higher Education”

for “Department of Higher Education” in (b)(1)(A); substituted “division” for “department” in (b)(2) twice, (c)(1), and (c)(2); and substituted “Division of Elementary and Secondary Education” for “Department of Education” following “Office of Accountability of the” in (b)(3)(A).

6-61-221. Reporting of graduates requiring postsecondary remediation.

(a)(1) The Division of Higher Education shall collect information necessary to prepare reports of college achievement of high school graduates from each state-supported institution of higher education.

(2) The Division of Higher Education may contract with appropriate organizations for the preparation of the reports.

(b) The Division of Higher Education and the Division of Public School Accountability shall work together to develop a compatible system of reporting the number of:

(1) Students who required remediation during their first year of enrollment in a state-supported institution of higher education if the enrollment occurred within two (2) years of graduation from a secondary school in this state;

(2) Students who required remediation and who graduated:

(A) With a 3.0 or higher grade point average on a 4.0 scale; and

(B) From a public high school after completing the minimum core of high school courses recommended for preparation for postsecondary education by the Arkansas Higher Education Coordinating Board and the State Board of Education pursuant to § 6-61-217; and

(3) Attempts it takes a student to pass a postsecondary remedial course.

(c)(1) The compilation report generated by the Division of Higher Education shall not include individual student information if the information is reported in a manner that would identify a particular student.

(2) Any information gathered that identifies a particular student shall be confidential.

(d)(1) The Division of Higher Education shall include the reports developed under this section annually in the Comprehensive Arkansas Higher Education Annual Report and provide an electronic copy to the:

- (A) Division of Elementary and Secondary Education;
- (B) Division of Career and Technical Education;
- (C) Arkansas Higher Education Coordinating Board;
- (D) Governor;
- (E) House Committee on Education;
- (F) Senate Committee on Education;
- (G) State Board of Education; and
- (H) School district administrators for each public high school.

(2) The reports developed under this section shall be prepared on or before October 1 each year and include the cost of remediation for each state-supported institution of higher education, which shall be submitted to the Division of Higher Education according to standards developed by the Division of Higher Education and shall include for each state-supported institution of higher education:

- (A) The amount of institutional revenue spent on remediation;
- (B) The total general revenue subsidy spent on remediation;
- (C) The total institutional expenditure for remediation; and
- (D) The general revenue percentage of total expenditures for remediation.

(3) The report required under this subsection shall be separate from the financial condition report required under § 6-61-222.

History. Acts 1991, No. 880, § 1; 1999, No. 508, § 4; 2009, No. 970, § 1; 2011, No. 696, § 2; 2019, No. 256, § 2; 2019, No. 910, § 1972; 2021, No. 79, § 3.

Amendments. The 2019 amendment by No. 256 substituted “financial condition report” for “uniform reporting standards report” in (d)(3).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” throughout the section; substituted “Division of Elementary and Secondary Education” for “Department of Education” in the introductory language of (b) following “Of-

fice of Accountability of the” and in (d)(1)(A); and substituted “Division of Career and Technical Education” for “Department of Career Education” in (d)(1)(B).

The 2021 amendment substituted “Division of Public School Accountability” for “Office of Accountability” in the introductory language of (b); deleted (b)(2)(B)(ii) and removed the (b)(2)(B)(i) designation; in (b)(2)(B), deleted “Program of the” preceding “minimum” and deleted “known as ‘Smart Core’” at the end; and deleted “beginning in the 2011-2012 school year” at the end of (b)(3).

6-61-222. Financial condition report.

(a)(1) The Division of Higher Education shall prepare a financial condition report, which shall include without limitation the information required under subdivision (b)(1) of this section.

(2) The financial condition report prepared under subdivision (a)(1) of this section shall be subject to biennial review by the Arkansas Higher Education Coordinating Board, the House Committee on Education, and the Senate Committee on Education.

(3) The board may promulgate rules necessary for the implementation of this section and shall report to the House Committee on Education and the Senate Committee on Education the failure of an institution to comply with this section.

(b)(1) On a date determined by the division, each state-supported institution of higher education shall submit annually the following information for inclusion in the financial condition report required under subdivision (a)(1) of this section:

(A) Expenditures per full-time equivalent student by function, which includes without limitation:

- (i) Instruction;
- (ii) Research;
- (iii) Public service;
- (iv) Academic support;
- (v) Student services;
- (vi) Institutional support;
- (vii) Operating and maintenance of plant; and
- (viii) Scholarships and fellowships;

(B) Operating margins and education and general revenue fund balances;

(C) Net tuition and fee income;

(D) Faculty salaries;

(E) Institutional scholarship expenditures;

(F) Deferred and critical maintenance needs as determined by the facilities audit program;

(G) Auxiliary enterprise expenditures;

(H) Intercollegiate athletics revenues and expenditures;

(I) Bonds and loans that are reviewed for economic feasibility;

(J) Gross tuition and fee income;

(K) Gross direct state income;

(L) Gross federal income;

(M) Total student accounts receivable and an aging report in accordance with § 6-61-131;

(N) A calculation of the number of days of cash on hand in accordance with § 6-62-109; and

(O) Any other information requested by the division or the board.

(2) The board shall review the financial condition report required under subdivision (a)(1) of this section and submit it to the House Committee on Education and the Senate Committee on Education by January 15 of each odd-numbered year.

(c) The board may establish standards to report other information that may be required to meet other state or federal statutory or regulatory requirements.

History. Acts 1993, No. 376, §§ 1, 2; 1993, No. 537, §§ 1, 2; 1995, No. 392, § 1; 1997, No. 112, §§ 15, 16; 1999, No. 523, § 1; 2011, No. 696, § 3; 2019, No. 256, § 3; 2019, No. 315, § 367; 2019, No. 910, § 1973; 2021, No. 69, § 3.

A.C.R.C. Notes. The amendment of subdivision (a)(3)(B) of this section by Acts

2019, No. 910, § 1973 was superseded by the amendment of this section by Acts 2019, No. 256. The amendment by Acts 2019, No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in former (a)(3)(B).

Amendments. The 2019 amendment by No. 256 substituted "Financial condi-

tion report" for "Uniform reporting standards" in the section heading; and rewrote the section.

The 2019 amendment by No. 315 deleted "or regulations" following "rules" in (a)(4) [now (a)(3)].

The 2019 amendment by No. 910 substituted "Division of Higher Education"

for "Department of Higher Education" in (a)(3)(B).

The 2021 amendment inserted (b)(1)(M) and (b)(1)(N) and redesignated former (b)(1)(M) as (b)(1)(O).

6-61-224. [Repealed.]

Publisher's Notes. This section, concerning the funding formula, was repealed by Acts 2017, No. 148, § 3. The section

was derived from Acts 1997, No. 1211, § 25; 2011, No. 1203, § 2.

6-61-226. Guidelines for course review.

(a)(1) Arkansas public colleges and universities shall submit to the Arkansas Higher Education Coordinating Board an application for courses to be included in the state minimum core curriculum.

(2) Courses shall be reviewed and recommended by a peer review project team established in the discipline.

(b)(1)(A) The Division of Higher Education shall establish peer review project teams composed of faculty members of Arkansas universities and two-year colleges.

(B)(i) The peer review project team for each discipline shall include no fewer than four (4) faculty members equally divided between two-year and four-year institutions who teach in the discipline.

(ii) Members shall be appointed by a majority vote of the Executive Council.

(2)(A) The peer review project team for each discipline shall review and recommend to the division courses in the applicable discipline to be recommended to the board for inclusion in the curriculum.

(B)(i) Courses not receiving a recommendation by the peer review project team shall receive from the peer review project team suggested improvements or revisions for the course or its application.

(ii) Colleges and universities may resubmit course applications to the peer review project team if the original application is not recommended to the board after appropriate adjustments have been made based on the suggested improvements or revisions from the peer review project team.

History. Acts 2005, No. 672, § 2; 2019, No. 910, §§ 1974, 1975.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (b)(1)(A); and substituted "division" for "department" in (b)(2)(A).

6-61-227. Annual transfer credit report.

All public institutions of higher education and any participating private institutions of higher education shall file a report annually with the Division of Higher Education identifying the number of students

who requested transfer credit for a completed course in the state minimum core curriculum but were not given credit.

History. Acts 2005, No. 672, § 3; 2019, No. 910, § 1976.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education".

6-61-228 — 6-61-230. [Repealed.]

Publisher's Notes. These sections, concerning the creation of the funding formula model for universities, the funding formula for two-year colleges, and review of funding formulas, were repealed by Acts 2017, No. 148, §§ 4-6. The sections were derived from the following sources:

6-61-228. Acts 2005, No. 1429, § 1; 2009, No. 797, §§ 1-4; 2011, No. 1203, §§ 3, 4; 2015, No. 978, § 42.

6-61-229. Acts 2005, No. 1760, § 1; 2007, No. 591, § 1; 2011, No. 1203, §§ 5, 6.

6-61-230. Acts 2005, No. 1760, § 2; 2007, No. 827, § 119; 2011, No. 1203, § 7.

6-61-231. Statewide transfer agreement — Definitions.

(a) As used in this section:

(1) "Designated transfer degree" means one (1) of the following associate degrees that is eligible for the full transfer under this section of credits earned and hours completed:

(A) Associate of arts;

(B) Associate of science; or

(C) Associate of arts in teaching;

(2) "Lower-division credits" means freshman and sophomore level course credits;

(3) "Public institution of higher education" means an Arkansas state-supported two-year or four-year college or university;

(4)(A) "State minimum core curriculum" means sixty (60) semester hours of lower-division coursework that include the thirty-five-hour general education core, major program prerequisites, and elective requirements that satisfy the requirements of an associate of arts degree, an associate of science degree, an associate of arts in teaching degree, and selected baccalaureate degrees at all public institutions of higher education as determined by the Arkansas Higher Education Coordinating Board.

(B) The board, in collaboration with state-supported institutions of higher education, shall select the baccalaureate degree programs of study that shall be included in the state minimum core curriculum based on the demand for the program of study, both in terms of the number of students enrolled in the program of study and the need for students to enroll in a program of study to meet the economic development needs of the state.

(C) The completed state minimum core curriculum may vary for each student depending on his or her program of study; and

(5) "Transfer student" means a student transferring from a completed designated transfer degree program or a completed state mini-

minimum core curriculum to a baccalaureate program at a four-year public institution of higher education.

(b)(1) The purpose of this section is to eliminate obstacles to transfers of credits among public institutions of higher education in Arkansas by providing a seamless transfer of academic credits from a completed designated transfer degree program or a completed state minimum core curriculum to a baccalaureate degree program without the loss of earned credits and without the receiving public institution of higher education requiring additional lower-division general education credits.

(2) All public institutions of higher education shall provide comprehensive academic advising to all students regarding transfer options available under this section.

(c) The board shall develop a statewide transfer agreement that:

(1) Designates the following as transfer degrees at public institutions of higher education in Arkansas:

(A) Associate of arts;

(B) Associate of science; and

(C) Associate of arts in teaching;

(2) Requires a four-year public institution of higher education to accept all hours completed and credits earned for a designated transfer degree or a completed state minimum core curriculum upon a student's transfer to a baccalaureate degree program at the four-year public institution of higher education;

(3) Contains the transfer curriculum for each designated transfer degree that is approved by the board under subsection (d) of this section;

(4)(A) Requires a four-year public institution of higher education to admit a transfer student to junior status in a baccalaureate degree program at the four-year public institution of higher education.

(B)(i) A four-year public institution of higher education receiving a transfer student shall not require additional lower-division credits for the transfer student if the additional course is considered a general education lower-division course.

(ii) The receiving four-year public institution of higher education only may require the additional lower-division course if the additional lower-division course is:

(a) A prerequisite for courses in the transfer student's baccalaureate degree program;

(b) A discipline-specific course that is required by the transfer student's baccalaureate degree program and the student has not completed a course at the two-year public institution of higher education that is comparable to the discipline-specific course at the four-year public institution of higher education in the Arkansas Course Transfer System; or

(c) A requirement of an independent licensing or accrediting body.

(C) This subsection does not remove the requirement that a transfer student must meet total baccalaureate degree program

credit-hour and course requirements in order to be eligible for a baccalaureate degree.

(D) The receiving four-year public institution of higher education shall determine whether to accept a grade of "D" for academic course credit for a student transferring from a public institution of higher education; and

(5)(A) Allows public institutions of higher education to develop transfer guidelines and articulation agreements for degree programs not otherwise covered under this section.

(B) Transfer guidelines are only for the purpose of student advising and do not exempt a four-year public institution of higher education from the requirements of subdivision (c)(4) of this section.

(d)(1) The board, with the assistance and cooperation of the public institutions of higher education, shall develop:

(A) A transfer curriculum for each designated transfer degree;

(B) Policies and procedures for reviewing and updating the statewide transfer agreement; and

(C)(i) Policies and procedures for the Division of Higher Education to collect data from public institutions of higher education to ensure that:

(a) All public institutions of higher education comply with this section; and

(b) The statewide transfer agreement is fostering both a seamless transfer process and the academic success of transfer students at Arkansas public institutions of higher education.

(ii) The division shall determine annually the data to be collected and shall establish by rule the procedures for a public institution of higher education to provide the data requested.

(2) The board, in collaboration with public institutions of higher education and faculty advisory panels of public institutions of higher education, shall identify:

(A) Degree programs offered by public institutions of higher education;

(B) Postsecondary career education programs offered by two-year public institutions of higher education, including those designated as college-credit courses applicable toward a certificate or degree;

(C) Courses that meet the thirty-five-hour general education core requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences that shall be accepted at all public institutions of higher education as general education courses;

(D) Lower-division courses offered by four-year public institutions of higher education accepted for credit toward a degree and identify those courses as either general education or required as a prerequisite for a degree; and

(E)(i) Common prerequisite courses and course substitutions for degree programs across all public institutions of higher education.

(ii) Required thirty-five-hour general education core courses shall be offered and accepted by all public institutions of higher education.

(3) All public institutions of higher education shall collaborate to form four-year faculty advisory panels and two-year faculty advisory panels that recommend major program prerequisites, course substitutions, and elective requirements for programs of study that shall be included in the state minimum core curriculum.

(e)(1) The board shall publish an internet-based student manual that identifies the state minimum core curriculum and describes how the state minimum core curriculum transfers to other public institutions of higher education within Arkansas.

(2) General information concerning the state minimum core curriculum, including the webpage link, shall be published in all versions of course catalogs of all public institutions of higher education.

(f)(1) The state minimum core curriculum shall be fully implemented no later than July 1, 2012.

(2) A public institution of higher education that is not in full compliance with this section shall not be eligible to accept state aid from the Higher Education Grants Fund Account on behalf of a student.

(g) A not-for-profit institution of higher education may participate in the statewide transfer agreement if the not-for-profit institution of higher education is:

(1) Accredited by a national or regional accrediting entity;

(2) Certified by the board; and

(3) Recognized by the United States Department of Education as eligible to receive Title IV financial aid funding under the Higher Education Act of 1965, Pub. L. No. 89-329.

History. Acts 2009, No. 182, § 1; 2011, No. 747, § 3; 2015, No. 292, § 1; 2019, No. 910, §§ 1977, 1978.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in the introductory language of (d)(1)(C)(i); and substituted "division" for "department" in (d)(1)(C)(ii).

6-61-233. [Repealed.]

Publisher's Notes. This section, concerning funding formula implementation, was repealed by Acts 2017, No. 148, § 7.

The section was derived from Acts 2013, No. 1397, § 44.

6-61-234. Productivity-based funding model.

(a)(1)(A) The Arkansas Higher Education Coordinating Board shall adopt policies developed by the Division of Higher Education necessary to implement a productivity-based funding model for state-supported institutions of higher education.

(B) The board shall adopt separate policies for two-year institutions of higher education and four-year institutions of higher education.

(2) The policies adopted to implement a productivity-based funding model for state-supported institutions of higher education shall contain

measures for effectiveness, affordability, and efficiency that acknowledge the following priorities:

- (A) Differences in institutional missions;
- (B) Completion of students' educational goals;
- (C) Progression toward students' completion of programs of study;
- (D) Affordability through:

- (i) On-time completion of programs of study;
- (ii) Limiting the number of excess credits earned by students; and
- (iii) Efficient allocation of resources;

(E) Institutional collaboration that encourages the successful transfer of students;

(F) Success in serving underrepresented students; and

(G) Production of students graduating with credentials in science, technology, engineering, mathematics, and high-demand fields.

(3) The productivity-based funding model shall not determine the funding needs of special units such as a medical school, a division of agriculture, or system offices.

(b) The productivity-based funding model shall be:

(1) Used to align institutional funding with statewide priorities for higher education by:

(A) Encouraging programs and services focused on student success; and

(B) Providing incentives for progress toward statewide goals; and

(2) Built around a set of shared principles that:

(A) Are embraced by state-supported institutions of higher education;

(B) Employ appropriate productivity metrics; and

(C) Are aligned with goals and objectives for postsecondary education attainment in this state.

(c)(1) The board shall use the productivity-based funding model as the mechanism for recommending funding for state-supported institutions of higher education.

(2) The board shall recommend funding for:

(A) State-supported institutions of higher education as a whole; and

(B) The allocation of funding to each state-supported institution of higher education.

(3) The board shall make separate recommendations for two-year institutions of higher education and four-year institutions of higher education.

(d) Funds unallocated to state-supported institutions of higher education due to productivity declines shall be reserved by the division to address statewide needs in higher education.

(e) The division shall review the policies every five (5) years to ensure the productivity-based funding model continues to respond to the needs and priorities of the state.

(f) In any fiscal year for which the aggregate general revenue funding forecast to be available for state-supported institutions of

higher education is greater than two percent (2%) less than the amount provided for the immediate previous fiscal year, the division shall not further implement the productivity-based funding model until the following fiscal year.

History. Acts 2017, No. 148, § 1; 2019, No. 910, §§ 1979, 1980.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a)(1)(A); and substituted "division" for "department" in (d) through (f).

SUBCHAPTER 3 — ESTABLISHMENT AND EXPANSION

SECTION.

6-61-301. Incorporation generally.

6-61-302. Incorporation and certification
— Advisory committee.

6-61-303. Expansion of institutions.

6-61-304. Review of existing programs of
higher education.

SECTION.

6-61-305. Encouragement of participation by private institutions.

Effective Dates. Acts 2017, No. 565, § 29; Mar. 22, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act will create more efficient regulation of private career education; and that this act is immediately necessary to provide Arkansas citizens seeking private career education the consumer protection services they need. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-301. Incorporation generally.

(a)(1)(A) An individual shall incorporate under the applicable laws of the state and receive certification from the Arkansas Higher Education Coordinating Board before offering educational coursework leading to a degree or before establishing a postsecondary educational institution unless the institution is a:

- (i) State-supported institution of higher education;
- (ii) School under § 6-51-601 et seq.;
- (iii) School exempt from this subchapter; or
- (iv) School regulated by the Cosmetology Technical Advisory Committee.

(B) A postsecondary education institution located in another state first shall obtain certification from the Arkansas Higher Education Coordinating Board before offering a course or degree in this state unless the institution is a:

- (i) School under § 6-51-601 et seq.;
- (ii) School exempt from this subchapter; or
- (iii) School regulated by the Cosmetology Technical Advisory Committee.

(C) A postsecondary education institution in this state shall first obtain certification from the Arkansas Higher Education Coordinating Board before offering courses that lead to a degree that is customarily granted by colleges or universities.

(2) State-supported vocational and technical schools, institutions covered under § 6-51-601 et seq., or institutions regulated by the Cosmetology Technical Advisory Committee shall obtain approval for programs in which a degree could be granted from both the Arkansas Higher Education Coordinating Board and the State Board of Education.

(3) Nonpublic, not-for-profit colleges and universities currently incorporated, recognized by the Arkansas Higher Education Coordinating Board as Arkansas independent institutions of higher education, and operating under the applicable laws of this state shall not be required to receive certification from the Arkansas Higher Education Coordinating Board or to receive licensure from the Division of Higher Education under § 6-51-601 et seq.

(b)(1) The Arkansas Higher Education Coordinating Board shall establish the criteria required for certification and may promulgate rules to carry out the provisions of this chapter.

(2) The Arkansas Higher Education Coordinating Board shall not grant certification to an individual or postsecondary education institution under subdivision (a)(1) of this section unless the individual or postsecondary education institution is:

(A) Accredited by an entity recognized by the United States Department of Education;

(B) Accredited by an entity recognized by the Council for Higher Education Accreditation;

(C) A candidate for accreditation from an entity recognized by the United States Department of Education or the Council for Higher Education Accreditation during the institutional planning and development period; or

(D) An applicant for accreditation from an entity recognized by the United States Department of Education or the Council for Higher Education Accreditation during the institutional planning and development application process.

(c) An individual or postsecondary institution that operates in the state without certification from the Arkansas Higher Education Coordinating Board as required under subsection (a) of this section shall be guilty of a Class B misdemeanor.

(d)(1) To secure legal existence by act of incorporation, the individuals desiring to become a corporation as trustees of a college, university, or other postsecondary institution shall prepare a charter for the proposed institution and shall present the charter to the Arkansas Higher Education Coordinating Board.

(2) If the Arkansas Higher Education Coordinating Board determines that the charter is in accordance with the provisions of the laws of the State of Arkansas and the rules of the Arkansas Higher Education Coordinating Board, the Arkansas Higher Education Coordinating Board shall issue to the trustees a certificate appended to a copy of the charter with the Great Seal of the State of Arkansas attached.

(3) The certificate shall state that the accompanying charter is granted to the trustees, that they have complied with the provisions of law, and that they are thereby constituted the board of directors of that institution and invested with all powers prescribed in the charter.

(4) A copy of the charter and certificate shall be filed with the Secretary of State and recorded by him or her in a book to be kept for the purpose.

(5) The Arkansas Higher Education Coordinating Board shall have the power, after giving thirty (30) days' notice in writing to the trustees to show cause why such action should not be taken, to revoke any certification issued by the Arkansas Higher Education Coordinating Board whenever the Arkansas Higher Education Coordinating Board shall find, after proper investigation, that the institution is conferring degrees or diplomas without requiring sufficient work therefor or is in violation of any of the provisions of the laws of this state or the rules of the Arkansas Higher Education Coordinating Board relative thereto.

History. Acts 1911, No. 375, § 9; 1975, No. 903, §§ 1-6; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905; Acts 2005, No. 1994, § 388; 2011, No. 205, § 2; 2017, No. 565, § 21; 2019, No. 315, § 368; 2019, No. 910, § 1981.

Amendments. The 2017 amendment substituted "Department of Higher Education under § 6-51-601 et seq." for "Ar-

kansas State Board of Private Career Education" at the end of (a)(3).

The 2019 amendment by No. 315 substituted "rules" for "regulations" in (d)(5).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a)(3).

6-61-302. Incorporation and certification — Advisory committee.

(a) To assist the Arkansas Higher Education Coordinating Board in its responsibilities regarding incorporation and certification of postsecondary educational institutions, the board shall appoint an advisory committee.

(b) The advisory committee shall include:

(1) Two (2) nonpublic postsecondary education institution chief administrators;

(2) Two (2) public postsecondary education institution chief administrators;

(3) Two (2) chief administrators of proprietary schools that are licensed under § 6-51-601 et seq.;

(4) The Director of the Division of Career and Technical Education or his or her designated representative; and

(5) Two (2) legal residents of the state who are not officially affiliated with any postsecondary institution in any state as an employee or board member or in any other capacity.

(c) The members shall serve nine-year terms.

(d) Members shall serve without compensation but may be reimbursed for expenses in accordance with § 25-16-901 et seq.

History. Acts 1975, No. 903, § 4; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905; Acts 1997, No. 250, § 26; 2003, No. 1473, § 6; 2019, No. 910, § 1982.

Amendments. The 2019 amendment substituted "Division of Career and Technical Education" for "Department of Career Education" in (b)(4).

6-61-303. Expansion of institutions.

(a) The General Assembly recognizes the necessity of the state having an orderly and planned system of higher education and determines that the Arkansas Higher Education Coordinating Board should establish reasonable and necessary criteria and factors to be used in determining and controlling the expansion of existing state-supported institutions of higher education and community college programs, in order to prevent an overextension of the state's resources or unnecessary duplication of programs or facilities.

(b)(1) The board is authorized to promulgate and adopt reasonable rules, criteria, guidelines, and standards to be followed by the respective state-supported institutions of higher education and to be applied by the board with respect to the planning, establishment, location, or development of any branch campus of the existing state-supported institutions of higher education or community colleges.

(2) The standards, rules, criteria, and guidelines shall be developed and approved after public hearings held by the board in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) Upon the development and adoption thereof, the standards, rules, criteria, and guidelines shall be followed by the board in reviewing, rejecting, or approving the establishment and location of all future branch campuses of existing state-supported institutions of higher education or community colleges.

(c)(1) Each state-supported institution of higher education and community college desiring to establish a branch campus or program shall present to the board a request in writing to establish the branch campus or program, outlining the justifications and reasons therefor.

(2) The board shall review the application in accordance with the standards, rules, criteria, and guidelines promulgated by the board and may grant the application only if the establishment of a branch campus is within these guidelines and standards.

(3) If the board rejects the application, the institution shall not establish the branch campus or program.

History. Acts 1977, No. 560, § 6; A.S.A. 1947, § 80-4906; Acts 2019, No. 315, §§ 369, 370. deleted “regulations” following “rules” three times in (b); and deleted “and regulations” following “rules” in (c)(2).

Amendments. The 2019 amendment

6-61-304. Review of existing programs of higher education.

In order to provide for the orderly development, coordination, financing, and expansion of the higher education program of this state, the Division of Higher Education shall review the existing programs of higher education in this state and assist in the orderly development and expansion of higher education in this state in accordance with the procedures outlined in §§ 6-61-101 — 6-61-103 and 6-61-201 — 6-61-209, § 6-61-211 [repealed], §§ 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, § 6-61-306 [repealed], §§ 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, and §§ 6-61-604 — 6-61-612 [repealed].

History. Acts 1977, No. 560, § 1; A.S.A. 1947, § 80-4901; Acts 2019, No. 910, § 1983. substituted “Division of Higher Education” for “Department of Higher Education”.

Amendments. The 2019 amendment

6-61-305. Encouragement of participation by private institutions.

The Division of Higher Education staff and the Arkansas Higher Education Coordinating Board shall invite and encourage the participation of private colleges and universities, proprietary schools, and all other postsecondary institutions in Arkansas in planning for the programs of education beyond high school.

History. Acts 1977, No. 560, § 27; A.S.A. 1947, § 80-4927; Acts 2019, No. 910, § 1984. substituted “Division of Higher Education” for “Department of Higher Education”.

Amendments. The 2019 amendment

SUBCHAPTER 4 — GRANT PROGRAMS

SECTION.

6-61-401. State Student Incentive Grant Program.

6-61-402. Contracts and cooperation with Southern Regional Education Board.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-401. State Student Incentive Grant Program.

(a) The Division of Higher Education, in accordance with policy established by the Arkansas Higher Education Coordinating Board, shall administer the federal State Student Incentive Grant Program.

(b)(1) The board is authorized, empowered, and directed to prepare and submit an application for federal funds to support the State Student Incentive Grant Program under this federal act and, upon the approval thereof, to administer the State Student Incentive Grant Program and otherwise to do, or cause to be done, all things and acts of every nature which are necessary or desirable:

(A) To meet and comply with all requirements of the federal act, regulations pursuant to the federal act, and regulations of the departments and agencies of the United States that administer the federal act;

(B) To administer the State Student Incentive Grant Program; and

(C) To obtain and utilize or cause to be utilized all grants, funds, and benefits to which the State of Arkansas or students in attendance at state and private colleges and universities or other postsecondary institutions of education are entitled under the federal act.

(2) Specifically, but without limiting any other authority, powers, or duties as assigned in this section, the board is authorized, empowered, and directed to operate the State Student Incentive Grant Program and to make and cancel grants to individual students according to rules of the board.

(c)(1) Sections 6-61-101 — 6-61-103 and 6-61-201 — 6-61-209, § 6-61-211 [repealed], §§ 6-61-212 — 6-61-216 and 6-61-301 — 6-61-305, § 6-61-306 [repealed], §§ 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, and §§ 6-61-604 — 6-61-612 [repealed] shall be liberally construed in order that the State of Arkansas and students in attendance at state and private colleges and universities and other postsecondary institutions of education which are entitled to benefits under the federal act may receive fully and promptly all benefits conferred and intended by the federal act and §§ 6-61-101 — 6-61-103 and 6-61-201 — 6-61-209, § 6-61-211 [repealed], §§ 6-61-212 — 6-61-216 and 6-61-301 — 6-61-305, § 6-61-306 [repealed], §§ 6-61-401,

6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, and §§ 6-61-604 — 6-61-612 [repealed] and that the intended public benefits and purposes be achieved and accomplished.

(2) Sections 6-61-101 — 6-61-103 and 6-61-201 — 6-61-209, § 6-61-211 [repealed], §§ 6-61-212 — 6-61-216 and 6-61-301 — 6-61-305, § 6-61-306 [repealed], §§ 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, and §§ 6-61-604 — 6-61-612 [repealed] shall be liberally construed as being supplemental to any existing purposes and powers of the board in order that it may accomplish in the most expeditious and efficient manner the purposes and intent of the federal act for this state.

History. Acts 1977, No. 560, § 21; A.S.A. 1947, § 80-4921; Acts 2019, No. 315, § 371; 2019, No. 910, § 1985.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b)(2).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a).

6-61-402. Contracts and cooperation with Southern Regional Education Board.

(a)(1) The boards of trustees of the state-supported senior colleges and universities and the community colleges which presently exist and those which will be established are authorized to cooperate or enter into contracts with the Southern Regional Education Board in order that students from states comprising the Southern Regional Education Board area may attend Arkansas state-supported institutions through the Academic Common Market while paying the same level of student fees as an Arkansas resident.

(2) Participation shall be authorized only after the program of the Arkansas institution is classified as an uncommon program of the region by the Southern Regional Education Board staff and final approval is granted by the Arkansas Higher Education Coordinating Board.

(b) The Arkansas Higher Education Coordinating Board is authorized to cooperate, or enter into contracts, with the Southern Regional Education Board or institutions of higher education in order that Arkansas residents shall participate in uncommon programs in other states of the Southern Regional Education Board area through the Academic Common Market.

(c) The Division of Higher Education staff, at the direction of the Arkansas Higher Education Coordinating Board, is empowered to conduct necessary administrative duties in connection with this program.

History. Acts 1977, No. 560, § 22; A.S.A. 1947, § 80-4922; Acts 2019, No. 910, § 1986.

A.C.R.C. Notes. Acts 2014, No. 104, § 41, provided: “SREB MINORITY DOC-

TORAL SCHOLARS PROGRAM REGULATIONS. The Department of Higher Education is authorized to promulgate rules and regulations for the administration of the Southern Regional Education

Board (SREB) Minority Doctoral Scholars program.”

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education” in (c).

SUBCHAPTER 5 — COMMUNITY COLLEGES GENERALLY

SECTION.

6-61-501. Definitions.

6-61-504. Division of Community Junior Colleges created.

6-61-505. State Community College Board.

6-61-520. Local boards — Establishment — Members.

SECTION.

6-61-521. Local boards — Powers and duties.

6-61-522. Limitations on operations.

6-61-526. [Repealed.]

Effective Dates. Acts 2015, No. 955, § 5: Apr. 2, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that there are pending mergers involving community colleges; that this act is necessary to facilitate the pending mergers of community colleges; and that this act is immediately necessary because the merger will be finalized before this act would become effective without an emergency clause. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2019, No. 597, § 10: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that there is a need for uniform candidate filing and petition circulation periods; that if there is a delay in implementation, some candidate filing and petition circulation periods may be disrupted by the change in the middle of a candidate’s campaign; and that this

act should become effective before candidates begin circulating petitions and filing for candidacy in the 2019 November annual school elections. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-61-501. Definitions.

As used in this section, §§ 6-61-502 — 6-61-524, and 6-61-601 — 6-61-603, unless the context otherwise requires:

(1) "Capital outlay expense" means those funds devoted to or required for the:

- (A) Acquisition and improvement of land;
- (B) Acquisition, construction, remodeling, alteration, addition, or enlargement of buildings or other structures; and
- (C) Initial purchase of furniture, apparatuses, and other equipment;

(2) "Community college" means an educational institution established or to be established by one (1) or more counties or cities of this state offering a comprehensive program designed to serve the postsecondary educational needs of its district and the state including specifically, but without limitation, occupational programs of varying types and levels of difficulty, the first two (2) years of a baccalaureate degree, community service offerings, and student guidance and counseling services;

(3) "District" means the geographic area included within one (1) or more contiguous or noncontiguous counties or cities, or any described combination thereof, or any described contiguous area which may be in one (1) or more counties or parts of counties, participating in or intending to participate in the establishment and maintenance of a community college;

(4)(A) "Local board" means the governing body of a community college established pursuant to the provisions of this section, §§ 6-61-101 — 6-61-103 and 6-61-201 — 6-61-209, § 6-61-211 [repealed], §§ 6-61-212 — 6-61-216 and 6-61-301 — 6-61-305, § 6-61-306 [repealed], §§ 6-61-401, 6-61-402, 6-61-502 — 6-61-524, and 6-61-601 — 6-61-603, and §§ 6-61-604 — 6-61-612 [repealed].

(B) A local board for a community college may be the board of trustees of a four-year institution of higher education or the board of trustees of a university system in the case of a merger under § 6-61-520(e);

(5) "Operating expense" means those funds devoted to or required for the regular or ordinary expense of the college, including administrative, maintenance, and salary expenses, but excluding capital outlay expenses, student activity expenses, and expenses for intercollegiate athletics; and

(6) "State Community College Board" means the Arkansas Higher Education Coordinating Board.

History. Acts 1977, No. 560, § 7; A.S.A. 1947, § 80-4907; Acts 1991, No. 336, § 1; 1991, No. 354, § 1; 2015, No. 955, § 2.

6-61-504. Division of Community Junior Colleges created.

The Director of the Division of Higher Education shall establish a separate Division of Community Junior Colleges within the Division of Higher Education.

History. Acts 1977, No. 560, § 19; substituted "Division of Higher Education" for "Department of Higher Education" twice.
A.S.A. 1947, § 80-4919; Acts 2019, No. 910, § 1987.

Amendments. The 2019 amendment

6-61-505. State Community College Board.

(a) The Arkansas Higher Education Coordinating Board is authorized to act and shall act as the statewide coordinating board for the community colleges established in conformity with §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603.

(b) When the Arkansas Higher Education Coordinating Board is acting as the State Community College Board, the Commissioner of Elementary and Secondary Education shall be an ex officio nonvoting member of that Arkansas Higher Education Coordinating Board.

(c) The State Community College Board shall have the following duties and powers:

(1)(A) It shall function as the coordinating agency between the community colleges, the public schools, the universities, the state colleges, and the other educational institutions in Arkansas.

(B) In relation to the senior institutions of the state, it shall work with them and with the community colleges to develop the criteria for transfer of credits of students entering senior institutions from community colleges;

(2)(A) It shall set forth the criteria in conformity with, but not limited to, the provisions of §§ 6-61-507 and 6-61-510 — 6-61-519 for the establishment of community college districts.

(B) In addition to the specific requirements set forth in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, the criteria shall provide for the size and location of sites for the proposed community college, the nature and extent of the program, and the size and type of buildings required;

(3) It shall develop objective criteria for the determination of the requirements in § 6-61-508;

(4) It shall upon request of a citizens' group develop a tentative budget to determine the annual cost of the operation;

(5) It shall act in an advisory capacity concerning changes and expansion of the overall program for community colleges and the program for each community college;

(6) It shall develop a uniform budget format and accounting and reporting procedures to be used by all community colleges;

(7) It shall, with the Legislative Joint Auditing Committee, determine that state funds are used in conformity with the grants of the funds; and

(8)(A)(i) It shall develop criteria for determining if an institution is adequately comprehensive.

(ii) In developing criteria to determine if an institution is adequately comprehensive, the State Community College Board shall require that each community college fulfill all aspects of the definition of a community college as contained in § 6-61-501 and shall specifically provide for occupational programs that do not require academic transfer courses for completion.

(B) It must make an annual determination, and may do so more often, as to whether each community college is adequately comprehensive or is becoming adequately comprehensive.

(C) If it is determined that any community college is not adequately comprehensive and is not becoming adequately comprehensive, that institution shall not be eligible for state funds until it has corrected the deficiencies and has received a favorable determination by the State Community College Board.

(d) In furtherance of the purposes of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 and in addition to the powers and duties vested in the State Community College Board, the State Community College Board shall have authority to make agreements with agencies of this state, the United States Government, and political subdivisions of this state, and their institutions and agencies, not inconsistent with the Arkansas Constitution and laws of the State of Arkansas, when these agreements are to the advantage of the State of Arkansas in the furtherance of the state community college program as authorized by law.

History. Acts 1977, No. 560, §§ 9, 17; A.S.A. 1947, §§ 80-4909, 80-4917; Acts 1999, No. 478, § 5; 2019, No. 910, § 1988.

Amendments. The 2019 amendment, in (b), substituted "Arkansas Higher Edu-

cation Coordinating Board" for "board" twice, and "Division of Elementary and Secondary Education" for "Department of Education".

6-61-520. Local boards — Establishment — Members.

(a) The local control of each community college shall be vested in a local board composed of nine (9) members who are residents and qualified electors of the community college district.

(b)(1) All members shall be elected for terms of six (6) years by the qualified electors of the community college district at the general election immediately preceding the expiration of the expiring terms, and the newly elected members shall take office on January 1 next following the date of their election.

(2)(A) However, the election shall be held at the annual school election if the community college district is composed solely of one (1) or two (2) entire school districts, other than any portion of the school district that is in another county, and whose boundary is contiguous with that portion of the school district that is located in the county in which the community college is located.

(B)(i) For those elections held at the annual school election under subdivision (b)(2)(A) of this section, if no more than one (1) person

files as a candidate for membership on the local board and the question of the rate of millage to be levied for the support of the community college district is not on the ballot, the local board, by resolution, may request that the county board of election commissioners open no polling places on election day so that the election shall be conducted by absentee ballot and early voting only.

(ii) If an election held at the annual school election under subdivision (b)(2)(A) of this section is conducted by absentee ballot and early voting only:

(a) The election shall be conducted on a ballot separate from the ballot for the annual school election; and

(b) The local board of the community college shall reimburse the county for the cost of conducting the election by absentee ballot and early voting. The community college shall pay the expenses of the election out of its general operation funds under § 6-61-601.

(c)(1)(A) Candidates for membership on the local board shall run by position and shall be elected on a nonpartisan basis, and there shall be no mark or designation on the ballot indicating the party affiliation of the candidates.

(B) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot by the county board of election commissioners.

(2) Any person desiring to be a candidate for a position on the local board shall, during the respective filing period set forth in § 6-14-111(e)(1), file a notarized statement of such candidacy with the county clerk of each county of which any portion is in the community college district, in substantially the following form:

"State of Arkansas

County of

I,, being first duly sworn, state that I reside at; that I am a resident and qualified elector of community college district; that I am a candidate for the office of position No. on the local board of such community college, and I hereby request that my name be placed on the ballot as a candidate for such position at the coming general or annual school election.

(Signed)

Subscribed and sworn to before me this day of, 20....

(Signed) _____

Notary Public".

(3)(A)(i) At the time of filing the statement of candidacy, the candidate shall file a petition containing the signatures of at least twenty-five (25) qualified electors of the district, requesting that the name of the candidate be placed on the ballot as a candidate for the position on the local board.

(ii) If the candidate is unopposed, § 7-5-207 shall apply.

(B) Candidates may begin circulating petitions not earlier than ninety (90) days before the filing deadline under subdivision (c)(2) of this section.

(4)(A) The county board of election commissioners of each county of which a portion is a part of the community college district shall certify the results of the election in that county to the local board of the community college.

(B) The local board of the community college shall officially canvass the returns, declare the candidate elected for each position, and make a record of the election upon its minutes.

(5) The candidate receiving the highest number of votes for each position on the local board to be filled at the election shall be elected to fill the particular position, and it shall not be necessary that the person elected receive a majority of all votes cast for all candidates for such position.

(d)(1) Vacancies on any local board due to death, resignation, or other causes shall be filled by appointment of the Governor.

(2) When the term of office in which the vacancy occurs expires on December 31 of the year in which the next general or annual school election is to be held, the person appointed by the Governor shall serve the remainder of the unexpired term.

(3) When the term of office in which the vacancy occurs extends beyond December 31 of the year in which the next general or annual school election is to be held, the person appointed by the Governor shall serve only until the general or annual school election, at which election a person shall be elected by the qualified electors of the district to fill the remainder of the unexpired term.

(4) When a vacancy occurs, the local board shall officially recognize that the vacancy exists, enter the recognition of the vacancy upon its minutes, and notify the Governor, requesting that he or she make an appointment to fill the vacancy as provided by law.

(5) The Governor shall officially notify the local board of his or her appointment of the new member, which the local board shall enter upon its minutes.

(e)(1) After a merger between a community college and a four-year institution of higher education or a university system, control of the community college may be vested in the board of trustees of the four-year institution of higher education or the board of trustees of the university system.

(2) If the control of the community college is vested in the board of trustees of a four-year institution of higher education or the board of trustees of a university system, the board of trustees shall perform the functions, duties, and responsibilities of the former governing body of the community college and the provision of subsections (a)-(d) of this section and § 6-61-529 do not apply.

(f)(1) After a merger under subsection (e) of this section, the former governing body of the community college may become a board of visitors performing such functions as determined by the board of visitors and the board of trustees of the four-year institution of higher education or the board of trustees of the university system.

(2) The membership of the board of visitors, including the number of members, term of membership, and method of appointment of members

shall be decided by the board of trustees of the four-year institution of higher education or the board of trustees of the university system.

History. Acts 1977, No. 560, § 10; A.S.A. 1947, § 80-4910; Acts 1993, No. 981, § 1; 1999, No. 470, § 1; 2009, No. 1480, § 11; 2011, No. 890, § 1; 2011, No. 1185, § 2; 2015, No. 955, § 3; 2015, No. 967, § 1; 2017, No. 47, § 1; 2019, No. 597, § 5; 2021, No. 349, § 2.

Amendments. The 2017 amendment redesignated former (c)(1) as (c)(1)(A); deleted the former last sentence in (c)(1)(A); and added (c)(1)(B).

The 2019 amendment substituted “during the respective filing period set forth in § 6-14-111(e)(1)” for “not later than 12:00 noon of the seventieth day prior to the

annual school election at which the position on the board is to be filled or the eighty-first day before the general election at which the position on the board is to be filled” in the introductory language of (c)(2); redesignated (c)(3) as (c)(3)(A); substituted “the candidate” for “such person” preceding “be placed” in (c)(3)(A); and added (c)(3)(B).

The 2021 amendment added (c)(3)(A)(ii) and redesignated former (c)(3)(A) as (c)(3)(A)(i); and deleted “pay a ballot fee of three dollars (\$3.00) and shall” following “candidate shall” in (c)(3)(A)(i).

6-61-521. Local boards — Powers and duties.

The powers and duties of the local board shall be as follows:

(1) To select its own chair and such other officers as it may deem desirable from among its own membership;

(2) To adopt and use a seal;

(3) To determine, with the advice of the Arkansas Higher Education Coordinating Board, the educational program of the community college;

(4) To appoint and fix the compensation and the term of office of a president or chancellor of the community college;

(5) To appoint, upon the nomination of the president or chancellor, members of the administrative and teaching staffs and to fix their compensation and terms of employment;

(6) Upon the recommendation of the president or chancellor, to appoint or employ such other officers, agents, and employees of the community college as may be required to carry out the provisions of this section, §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-520, 6-61-522 — 6-61-524, and 6-61-601 — 6-61-603 and to fix and determine their qualifications, duties, compensation, and terms and conditions of employment;

(7) To grant diplomas and certificates;

(8) To enter into contracts;

(9)(A) To accept from any government or governmental agency, from any other public or private body, or from any other source grants or contributions of money or property, which the local board may use for or in aid of any of its purposes.

(B) If acceptance of a grant is conditioned upon the local board's obtaining interim financing from a local financial institution and if the grant makes a provision for the repayment of the interim loan from the grant itself, then the local board is authorized to contract for the required interim financing;

(10) To acquire, own, lease, use, and operate property, whether real, personal, or mixed, which is necessary for purposes of the community college;

(11) To dispose of property owned by the community college which is no longer necessary for purposes of the community college upon such terms and conditions as shall meet the requirements for state agencies;

(12) To exercise the right of eminent domain to condemn property necessary for the use of the community college. The procedure to be followed in the exercise of the right of eminent domain by a local board shall be that prescribed for the boards of trustees of certain state colleges by § 6-62-201;

(13) To make rules not inconsistent with the provisions of this section, §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-520, 6-61-522 — 6-61-524, and 6-61-601 — 6-61-603 or with the rules of the Arkansas Higher Education Coordinating Board as are necessary for the proper administration and operation of the community college; and

(14) To exercise all other powers not inconsistent with the provisions of this section, §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-520, 6-61-522 — 6-61-524, and 6-61-601 — 6-61-603 which may be reasonably necessary to the establishment, maintenance, and operation of a community college.

History. Acts 1977, No. 560, § 10; A.S.A. 1947, § 80-4910; Acts 1999, No. 478, § 6; 2015, No. 955, § 4; 2019, No. 315, § 372. **Amendments.** The 2019 amendment deleted “and regulations” following “rules” twice in (13).

6-61-522. Limitations on operations.

(a) [Repealed.]

(b)(1) Participation of community colleges in intercollegiate athletic programs shall be limited to basketball, volleyball, and spring sports, except as provided in subdivision (b)(2) of this section.

(2) Community colleges may participate in an intercollegiate football program provided that state funds, either directly or indirectly, or funds derived from property taxes or student fees are not expended to support the program.

History. Acts 1977, No. 560, § 15; 1979, No. 756, § 1; A.S.A. 1947, § 80-4915; Acts 2001, No. 1649, § 1; 2013, No. 422, § 1; 2017, No. 556, § 1. **Amendments.** The 2017 amendment repealed (a).

6-61-526. [Repealed.]

Publisher's Notes. This section, concerning Phillips Community College of the University of Arkansas — Building trades construction program, was repealed by

Acts 2019, No. 239, § 1, effective July 24, 2019. The section was derived from Acts 1987, No. 748, § 6.

SUBCHAPTER 8 — ARKANSAS RESEARCH DEVELOPMENT ACT

SECTION.

6-61-803. Arkansas Research Development Program created — Administration.

SECTION.

6-61-808. Applications for funds.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-803. Arkansas Research Development Program created — Administration.

There is created a program to be known as the "Arkansas Research Development Program", which shall be administered by the Director of the Division of Higher Education.

History. Acts 1985, No. 583, § 3; A.S.A. 1947, § 80-4930; Acts 1991, No. 343, § 4; 2019, No. 910, § 1989.

Amendments. The 2019 amendment

substituted "Director of the Division of Higher Education" for "Director of the Department of Higher Education".

6-61-808. Applications for funds.

(a) Application for the funds provided for the Arkansas Research Development Program may be made by any publicly supported university in the State of Arkansas.

(b)(1) The Director of the Division of Higher Education shall review the applications and shall approve applications in the amount he or she determines appropriate, after seeking the advice of the Legislative Council.

(2) The director shall prepare a voucher in the name of the successful applicant in the amount approved by the director.

(c) In determining the successful applicant, the director shall ensure that the funds will be used to:

(1) Assist the state in its competition with other states and communities in attracting technology-based industry or in strengthening such industries currently in the state;

(2) Develop a continuous research and development program such that high quality research capability is available to high-technology industries; and

(3) Assist established and relatively successful research programs to gain national or regional recognition.

History. Acts 1985, No. 583, § 4; A.S.A. 1947, § 80-4931; Acts 1991, No. 343, § 4; 2019, No. 910, § 1990.

Amendments. The 2019 amendment substituted "Director of the Division of Higher Education" for "Director of the Department of Higher Education" in (b)(1).

SUBCHAPTER 9 — OFFICE OF ACCOUNTABILITY

SECTION.

6-61-901. Purpose.

6-61-902. Office of Accountability within Division of Higher Education.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-901. Purpose.

In order to enhance the public's access to performance indicators and to better measure the dividends paid on the increasing public investment in Arkansas's institutions of higher education, the General Assembly finds that a separate office of accountability should be established within the Division of Higher Education.

History. Acts 1991, No. 856, § 1; 1997, No. 112, § 18; 1999, No. 479, § 2; 2019, No. 910, § 1991.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education".

6-61-902. Office of Accountability within Division of Higher Education.

(a) There is created the Office of Accountability within the Division of Higher Education.

(b) The office is authorized and directed to collect and analyze information that may be required to meet any state or federal requirement.

(c) Under the direction of the Director of the Division of Higher Education, the staff of the office shall work cooperatively with and provide any necessary assistance to the House Committee on Education and the Senate Committee on Education.

History. Acts 1991, No. 856, § 2; 1999, No. 479, § 3; 2019, No. 910, § 1992.

substituted "Division of Higher Education" for "Department of Higher Education" in the section heading, (a), and (c).

Amendments. The 2019 amendment

SUBCHAPTER 12 — SOUTHWEST ARKANSAS HIGHER EDUCATION CONSORTIUM

[Repealed.]

SECTION.

6-61-1201. [Repealed.]

6-61-1201. [Repealed.]

Publisher's Notes. This subchapter, concerning the Southwest Arkansas Higher Education Consortium, was repealed by Acts 2019, No. 256, § 4, effective

July 24, 2019. The subchapter was derived from the following sources:

6-61-1201. Acts 1997, No. 845, § 2; 2016, No. 141, § 7.

SUBCHAPTER 13 — PRODUCTIVITY ENHANCEMENT FOR UNDERGRADUATE HIGHER EDUCATION ACT

[Repealed.]

SECTION.

6-61-1301 — 6-61-1312. [Repealed.]

6-61-1301 — 6-61-1312. [Repealed.]

A.C.R.C. Notes. The repeal of this subchapter by Acts 2019, No. 256, § 5, superseded the amendment of § 6-61-1303 by Acts 2019, No. 910, § 1993. The amendment by Acts 2019, No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (4)(C).

Publisher's Notes. This subchapter, concerning the Productivity Enhancement for Undergraduate Higher Education Act, was repealed by Acts 2019, No. 256, § 5, effective July 24, 2019. The

subchapter was derived from the following sources:

6-61-1301. Acts 2007, No. 1592, § 1.
6-61-1302. Acts 2007, No. 1592, § 1.
6-61-1303. Acts 2007, No. 1592, § 1; 2019, No. 910, § 1993.
6-61-1304. Acts 2007, No. 1592, § 1.
6-61-1305. Acts 2007, No. 1592, § 1.
6-61-1306. Acts 2007, No. 1592, § 1.
6-61-1307. Acts 2007, No. 1592, § 1.
6-61-1308. Acts 2007, No. 1592, § 1.
6-61-1309. Acts 2007, No. 1592, § 1.

6-61-1310. Acts 2007, No. 1592, § 1.

6-61-1312. Acts 2007, No. 1592, § 1.

6-61-1311. Acts 2007, No. 1592, § 1.

SUBCHAPTER 14 — COMMON COURSE NUMBERING SYSTEM

SECTION.

6-61-1403. Additions or alterations.

6-61-1406. Courses review.

SECTION.

6-61-1407. Data collection.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-1403. Additions or alterations.

(a) The Director of the Division of Higher Education shall recommend to the Arkansas Higher Education Coordinating Board any additions or alterations to the common course numbering system.

(b) The board, with input from the Presidents Council, shall consider the recommended additions and alterations to the common course numbering system.

(c) The board may adopt or refuse to adopt suggested additions or alterations to the common course numbering system.

History. Acts 2011, No. 747, § 5; 2019, No. 910, § 1994.

substituted "Division of Higher Education" for "Department of Higher Education" in (a).

Amendments. The 2019 amendment

6-61-1406. Courses review.

The Division of Higher Education shall:

(1) Regularly schedule reviews of courses that are listed in the common course numbering system;

(2) Establish review procedures; and

(3) Adopt policies to carry out this section.

History. Acts 2011, No. 747, § 5; 2019, No. 910, § 1995.

substituted "Division of Higher Education" for "Department of Higher Education" in the introductory language.

Amendments. The 2019 amendment

6-61-1407. Data collection.

(a) The Division of Higher Education shall adopt policies for the collection of data to ensure that all institutions of higher education that participate in the common course numbering system comply with this subchapter.

(b) The division shall determine the data to be collected and annually notify each participating institution of higher education in a timely manner.

History. Acts 2011, No. 747, § 5; 2019, No. 910, § 1996.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a); and substituted "division" for "department" in (b).

SUBCHAPTER 15 — ELECTRICAL ENERGY ADVANCEMENT PROGRAM**SECTION.**

6-61-1502. Electrical Energy Advancement Program Fund Board.

Effective Dates. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-61-1502. Electrical Energy Advancement Program Fund Board.

(a) The Electrical Energy Advancement Program Fund Board is created to make recommendations to the Arkansas Statewide Energy Consortium regarding the allocation of funds for the programs approved under this subchapter.

(b) The board is composed of fifteen (15) members as follows:

(1)(A) The Executive Director of the National Center for Reliable Electric Power Transmission or the executive director's designee, who shall serve as chair of the board and represent the University of Arkansas at Fayetteville.

(B) The chair shall be a regular voting member with one (1) vote;

(2) Seven (7) of the members from the private electrical energy sector;

(3) Three (3) of the members from the United States Department of Energy national laboratories;

(4) One (1) member who is designated by Arkansas State University;

(5) One (1) member who is designated by the University of Arkansas at Little Rock;

(6) The Director of the Arkansas Economic Development Commission or his or her designee; and

(7) One (1) member who is designated by the Arkansas Public Service Commission.

(c)(1) Each private electrical energy sector member of the board shall:

(A)(i) Be from an organization that is:

(a) Involved in the generation, transmission, or distribution of electricity; or

(b) Engaged in the design or manufacturing of electrical equipment for the generation, transmission, distribution, or power conversion of electricity including electrified transportation.

(ii) An individual under this subdivision (c)(1)(A) shall have experience managing an organization that meets the description of this subdivision (c)(1)(A); and

(B) Have obtained at least an undergraduate degree from a four-year institution of higher education in science or engineering.

(2) Each national laboratory member of the board shall:

(A) Be from a national laboratory group directly involved in the research and development of advanced technologies for the electric power grid; and

(B) Have obtained at least an undergraduate degree from a four-year institution of higher education in science or engineering.

(d)(1) The chair shall seek nominations for the initial list of private electrical energy sector and national laboratory board members from:

(A) Each member of the board who is not from the private electrical energy sector or a national laboratory; and

(B) The Governor.

(2) From the recommendations, the chair will nominate the initial private electrical energy sector and national laboratory board members to the balance of the board for consideration and appointment to the board.

(e)(1) Except for the initial terms identified under this subsection, each private electrical energy sector and national laboratory board member shall serve a four-year term, with a maximum of two (2) consecutive four-year terms.

(2) The initial terms of the private electrical energy sector board members shall be as follows:

- (A) One (1) member shall serve a one-year term;
- (B) Two (2) members shall serve a two-year term;
- (C) Two (2) members shall serve a three-year term; and
- (D) Two (2) members shall serve a four-year term.

(3) The initial terms of the national laboratory board members shall be as follows:

- (A) One (1) member shall serve a two-year term;
- (B) One (1) member shall serve a three-year term; and
- (C) One (1) member shall serve a four-year term.

(4) The chair shall determine the terms of the initial private and national laboratory members of the board.

(5) Each member may be reappointed from time to time thereafter to serve no more than a maximum of eight (8) consecutive years including his or her initial term.

(f) Successors to the initial private electrical energy sector and national laboratory board members shall be nominated by the chair upon recommendation by the board.

(g) Members of the board who are not private electrical energy sector or national laboratory board members shall serve at the pleasure of the entities where they are employed.

(h)(1) The chair shall call the first meeting of the board not less than three (3) months after funding is received in the Electrical Energy Advancement Program Fund.

(2) Subsequent meetings shall be held on the call of the chair and shall convene at the National Center for Reliable Electric Power Transmission.

(i) A quorum shall consist of not less than a majority of the voting membership of the board, and the affirmative vote of that number is necessary for the disposition of the board's business.

(j)(1) Members of the board shall receive no pay for services with respect to attendance at each regular or special meeting of the board.

(2)(A) However, if funds are appropriated for the purpose and subject to board approval, members are entitled to reimbursement under § 25-16-902 for each day the board is in session.

(B) Reimbursement is in an amount equal to the maximum daily allowance for meals and lodging paid as provided by law to a state employee for in-state travel plus mileage at the rate per mile provided by law for the reimbursement of mileage expense for state employees for travel from their homes to the place of the meeting and their return.

(k) The National Center for Reliable Electric Power Transmission shall provide staff for the board.

History. Acts 2011, No. 1232, § 2; 2015 (1st Ex. Sess.), No. 7, § 73; 2015 (1st Ex. Sess.), No. 8, § 73; 2019, No. 910, § 165.

A.C.R.C. Notes. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 62, provided: "Transfer of the Arkansas Science and

Technology Authority.

“(a)(1) The Arkansas Science and Technology Authority is transferred to the Arkansas Economic Development Commission by a type 2 transfer under § 25-2-105.

“(2) For the purposes of this act, the commission is the principal department under Acts 1971, No. 38.

“(b) The statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, of the authority are transferred to the commission, except as specified in this act.

“(c) The prescribed powers, duties, and functions, including rulemaking, regula-

tion, and licensing; promulgation of rules, rates, regulations, and standards; and the rendering of findings, orders, and adjudication of the authority are transferred to the executive director of the commission, except as specified in this act.

“(d) The members of the Board of Directors of the Arkansas Science and Technology Authority, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the board except as specified in this act.”

Amendments. The 2019 amendment substituted “Director of the Arkansas Economic Development Commission” for “Executive Director of the Arkansas Economic Development Commission” in (b)(6).

SUBCHAPTER 16 — ARKANSAS ENERGY SUMMARY AND REPORT

SECTION.

6-61-1602. Institutional Energy Research Committee — Creation — Purpose.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-61-1602. Institutional Energy Research Committee — Creation — Purpose.

(a) The Arkansas Higher Education Coordinating Board shall coordinate the efforts of all state-supported institutions that participate in energy research activities in the development of the Arkansas Energy Summary and Report.

(b) The Division of Higher Education, in collaboration with state-supported institutions of higher education that participate in energy research activities, shall appoint at least one (1) member of the research faculty at each state-supported institution of higher education that

participates in energy research activities to serve on the Institutional Energy Research Committee.

(c)(1) The purpose of the committee is to coordinate ongoing energy research efforts taking place at each state-supported institution of higher education and create the Arkansas Energy Summary and Report.

(2) The committee shall modify the Arkansas Energy Summary and Report as necessary to ensure it is updated with the latest energy research available.

History. Acts 2013, No. 280, § 1; 2019, No. 910, § 1997. substituted “Division of Higher Education” for “Department of Higher Education” in (b).

Amendments. The 2019 amendment

SUBCHAPTER 17 — HIGHER EDUCATION CONSUMER GUIDE ACT

SECTION.

6-61-1701. Title.

6-61-1702. Definitions.

SECTION.

6-61-1703. Higher Education Consumer Guide.

6-61-1701. Title.

This subchapter shall be known and may be cited as the “Higher Education Consumer Guide Act”.

History. Acts 2021, No. 539, § 1.

6-61-1702. Definitions.

As used in this subchapter:

(1) “Peer institution of higher education” means an in-state or out-of-state state-supported institution of higher education that is selected to be used for comparative analysis and benchmarking of institutional qualities; and

(2) “State-supported institution of higher education” means a state-supported two-year or four-year college or university.

History. Acts 2021, No. 539, § 1.

6-61-1703. Higher Education Consumer Guide.

(a)(1) The Arkansas Higher Education Coordinating Board shall create a Higher Education Consumer Guide that is designed for use by prospective students and parents and legal guardians of prospective students at a state-supported institution of higher education.

(2) The Higher Education Consumer Guide created by the board under subdivision (a)(1) of this section shall be provided to each state-supported institution of higher education for use in the prospective student application process at each state-supported institution of higher education.

(b) The Higher Education Consumer Guide created by the board under subdivision (a)(1) of this section shall identify the:

(1) Institutional grouping to which each state-supported institution of higher education is assigned under the board's accountability system; and

(2) Peer institutions of higher education associated with each state-supported institution of higher education.

(c)(1) The Higher Education Consumer Guide created by the board under subdivision (a)(1) of this section shall include the following information without limitation as it relates to the most recent state fiscal year for which the information is available:

(A) Retention and graduation rates;

(B) The cost of tuition;

(C) The average amount borrowed and loan default rate;

(D) Percentage of students who applied for first-time undergraduate admission and were offered admission to each state-supported institution of higher education that is not determined to be an open admission institution;

(E) Average composite test scores of students enrolled in each state-supported institution of higher education;

(F) Job placement of students within the first three (3) years of graduation;

(G) Income of college alumni over the first twenty (20) years after completion of their credential;

(H) Percentage of students enrolled at each state-supported institution of higher education from the top ten percent (10%) of a public high school class located in Arkansas; and

(I) Average number of semesters for completion of an associate's or bachelor's credential at the institution.

(2) Information provided under subdivision (c)(1) of this section shall be compiled using data from the following sources without limitation:

(A) The Division of Higher Education;

(B) The Integrated Postsecondary Education Data System, published by the National Center for Education Statistics;

(C) The College Scorecard;

(D) The Arkansas Economic Security Report; and

(E) The Arkansas State Longitudinal Data System and interstate compacts for the sharing of employment data when reasonably available upon the establishment of the Arkansas State Longitudinal Data System.

(3) Information provided under subdivision (c)(1) of this section shall be compared with the same information that is available for the state fiscal year preceding:

(A) The most recent state fiscal year; and

(B) The reports for the most recent five (5) years.

(d) A prospective student shall verify that he or she has been provided the Higher Education Consumer Guide before completing an application to a state-supported institution of higher education.

(e) The Higher Education Consumer Guide required by this section shall be made publicly available on the:

- (1) Board's website; and
- (2) Website of each state-supported institution of higher education.
- (f) The division shall promulgate rules to implement this subchapter.

History. Acts 2021, No. 539, § 1.

CHAPTER 62

PROPERTY AND FINANCES OF STATE INSTITUTIONS

SUBCHAPTER.

- 1. GENERAL PROVISIONS.
- 3. FACILITIES — CONSTRUCTION OR PURCHASE.
- 6. TRANSFER OR LEASE OF PROPERTY.
- 7. ARKANSAS COLLEGE SAVINGS BOND ACT.
- 8. ATHLETIC PROGRAMS.
- 10. WORKERS' COMPENSATION INSURANCE.
- 11. HIGHER EDUCATION TECHNOLOGY AND FACILITY IMPROVEMENT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-62-105. Private borrowing by institutions of higher education.
- 6-62-109. Annual certification of solvency — Calculation of number of days of cash on hand.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-62-105. Private borrowing by institutions of higher education.

(a)(1) Upon approval of the board of trustees of a state-supported institution of higher education, the Division of Higher Education, and the Chief Fiscal Officer of the State, a state-supported institution of higher education may borrow funds determined by the board to be necessary to continue the operation of the state-supported institution of higher education from a private financial institution if the Revolving Loan Fund is insufficient, as certified by the Chief Fiscal Officer of the

State, for a state-supported institution of higher education to participate in the fund.

(2) A state-supported institution of higher education shall not have outstanding loans in the aggregate under this section in excess of eighty-five percent (85%) of the total of the actual May and June general revenues distributed during the immediately preceding fiscal year to the state-supported institution of higher education.

(b)(1) The principal amount of the loans described in subsection (a) of this section shall be repaid from general revenues distributed to the state-supported institution of higher education during the months of May and June of the fiscal year in which the loans were obtained.

(2) All interest and other charges shall be paid from cash funds of the state-supported institution of higher education.

(c)(1) Notwithstanding subsections (a) and (b) of this section or § 19-4-705, the Chief Fiscal Officer of the State and the Director of the Division of Higher Education may authorize a state-supported institution of higher education to borrow funds from a private financial institution provided that the board of trustees certifies that borrowing funds from a private financial institution:

(A) Is required to continue essential operations of the state-supported institution of higher education into the following fiscal year; and

(B) Will be repaid not later than one hundred twenty (120) days after the start of the following fiscal year.

(2) The aggregate amount of funds borrowed from private financial institutions may not exceed the limits set in subsection (a) of this section.

(3) Upon repayment, the chief financial officer of the state-supported institution of higher education shall certify in writing to the Chief Fiscal Officer of the State and the director the:

(A) Date of the repayment; and

(B) Amount of the repayment.

(4) This subsection shall expire on June 30, 2011.

(d) The Chief Fiscal Officer of the State shall promulgate rules necessary for the implementation of this section.

History. Acts 1987, No. 367, §§ 1, 2; 2009, No. 571, § 1; 2019, No. 315, § 373; 2019, No. 910, §§ 1998, 1999.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (d).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a)(1) and the introductory language of (c)(1).

6-62-109. Annual certification of solvency — Calculation of number of days of cash on hand.

(a) Annually, the board of trustees and the president or chancellor of each state-supported institution of higher education shall certify to the Chief Fiscal Officer of the State and the Legislative Council that as of December 31, sufficient appropriations and funds:

(1) Are available to meet all current and anticipated obligations for the current fiscal year as the obligations become due; or

(2) Will become available to meet all current and anticipated obligations for the current fiscal year as the obligations become due.

(b) The certification from each state-supported institution of higher education shall be:

(1) Signed by the chair of the board of trustees and the president or chancellor;

(2) Sent no later than February 28 or upon release of the previous year's audit by Arkansas Legislative Audit to the Chief Fiscal Officer of the State and the Legislative Council;

(3) Accompanied by the published annual financial statement for the preceding fiscal year approved by the board of trustees; and

(4)(A) Accompanied by a calculation of the number of days of cash on hand prepared by the chief financial officer of each state-supported institution of higher education for the preceding fiscal year.

(B) Subdivision (b)(4)(A) of this section does not apply to the University of Arkansas for Medical Sciences.

(c) The Arkansas Higher Education Coordinating Board shall develop rules to implement this section.

History. Acts 2011, No. 1065, § 38; 2021, No. 69, § 4.

Amendments. The 2021 amendment added "Calculation of number of days of cash on hand" in the section heading;

inserted "of trustees" in (b)(1) and (b)(3); substituted "Arkansas Legislative Audit" for "the Division of Legislative Audit" in (b)(2); and added (b)(4) and (c).

SUBCHAPTER 3 — FACILITIES — CONSTRUCTION OR PURCHASE

SECTION.

6-62-302. Building construction, purchase, etc., authorized.

6-62-306. Bonds or notes — Issuance on advice of Arkansas Higher Education Coordinating Board.

6-62-311. Rents, tolls, fees, etc. — Rules authorized.

SECTION.

6-62-312. Valid outstanding obligations — Refinancing or refunding — Cancellation.

6-62-314. Construction project exemption.

Effective Dates. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost

to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2016, No. 140, § 17: July 1, 2016. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of

funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016.”

Acts 2016, No. 141, § 15: July 1, 2016. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016.”

Acts 2017, No. 179, § 13: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2021, No. 18, § 23: Feb. 1, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that Henderson State University is scheduled for reaffirmation of accreditation based on requirements imposed by the regional Higher Learning Commission and federal regulations; that Henderson State University has already received from the Higher Learning Commission Board of Trustees one (1) extension of accreditation related to its Change of Control application wherein Henderson State University joins the Arkansas State University system; and that this act is immediately necessary because Henderson State University must host a focused visit within a certain timeframe in order to receive reaffirmation of accreditation and become a member institution of the Arkansas State University system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-62-302. Building construction, purchase, etc., authorized.

(a) Subject to and in accordance with the terms of this subchapter, the boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are authorized and empowered as public agencies of the State of Arkansas to:

(1) Construct buildings, structures, parking facilities, or other improvements which the board of trustees deems proper or suitable for the school and to purchase sites therefor, if necessary;

(2) Purchase for such purpose buildings already constructed and the tracts of land on which they are situated;

(3) Reconstruct, enlarge or repair, and equip any buildings or structures of the university, including, but not limited to, buildings or structures constructed or purchased under authority of this subchapter; and

(4) Purchase for such purposes and pay the expense of tearing down, removing to the school, reconstructing, and equipping houses, buildings, or structures.

(b) No board of trustees of such public institutions of higher education shall be required to obtain any prior review, consultation, approval, assistance, or advice from the Building Authority Division for projects undertaken based on the foregoing powers and authority. Provided, however, nothing in this subsection shall prevent any board of trustees of such public institutions of higher education from entering into an agreement with the division to provide review, consultation, approval, assistance, or advice for such projects. However, public institutions of higher education exempt from project review, consultation, approval, assistance, or advice of the division shall remain subject to other laws governing public works, including without limitation § 19-4-1401 et seq. and § 22-9-101 et seq.

History. Acts 1947, No. 62, § 1; 1949, No. 320, § 1; 1951, No. 313, § 1; 1963, No. 59, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311; Acts 2001, No. 961, § 1; 2015 (1st Ex. Sess.), No. 7, § 3; 2015 (1st Ex. Sess.), No. 8, § 3; 2019, No. 910, § 6055.

A.C.R.C. Notes. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 1, provided:

“Transfer of the Arkansas Building Authority to the Department of Finance and Administration.

“(a)(1) The Arkansas Building Authority is transferred to the Department of Finance and Administration by a type 2 transfer under § 25-2-105.

“(2) For the purposes of this act, the Department of Finance and Administration shall be considered a principal de-

partment established by Acts 1971, No. 38.

“(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Finance and Administration, except as specified by this act.

“(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Director of the Department of Finance and Administration.

“(d) The members of the Arkansas Building Authority Council, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the council except as specified in this act.

“(e) The Arkansas Code Revision Commission shall make appropriate name

changes in the Arkansas Code to implement this act.”

Amendments. The 2019 amendment deleted “of the Department of Finance and Administration” following “Building Authority Division” in (b).

6-62-306. Bonds or notes — Issuance on advice of Arkansas Higher Education Coordinating Board.

(a) The boards of trustees of the University of Arkansas, University of Central Arkansas, Henderson State University, Arkansas State University System, Arkansas Tech University, and Southern Arkansas University, hereinafter referred to as the “board of the institution involved”, shall not issue any notes or bonds under the provisions of this subchapter for any of the purposes authorized by this subchapter, unless prior to the issuance of such notes or bonds, the board of the institution involved shall have obtained the advice of the Arkansas Higher Education Coordinating Board as to the economic feasibility of the particular project to be financed, in whole or in part, by those notes or bonds.

(b) The board of the institution involved shall submit to the Arkansas Higher Education Coordinating Board information pertaining to the proposed project concerning existing and proposed buildings, improvements, equipment, and facilities of the institution involved; finances, revenues, appropriations, and cash funds of the institution involved; and enrollment, housing, and other information deemed pertinent to and requested by the Arkansas Higher Education Coordinating Board to enable the Arkansas Higher Education Coordinating Board to determine the feasibility of the project.

(c) The Arkansas Higher Education Coordinating Board shall notify the board of the institution involved, within thirty (30) days from the date the information is submitted to the Arkansas Higher Education Coordinating Board, of the Arkansas Higher Education Coordinating Board’s advice with respect to the economic feasibility of the particular project.

(d) The advice of the Arkansas Higher Education Coordinating Board under this section shall not be binding on the board of the institution involved.

(e)(1) This section shall not be construed to deprive, transfer, limit, or in any way alter or change any of the powers vested in the board of the institution involved under existing constitutional and statutory provisions.

(2) Furthermore, the authority conferred upon the Arkansas Higher Education Coordinating Board by this section shall not extend to the feasibility of the notes or bonds proposed to be issued by the board of the institution involved or to any of the terms, conditions, and provisions thereof, and this section shall not be construed to impair in any way the

validity of any notes or bonds issued by the board of the institutions involved under this subchapter or impair or affect in any way the obligations of the board of the institution involved or the rights of any holder or registered owner of the notes or bonds.

History. Acts 1963, No. 242, §§ 1-4; A.S.A. 1947, §§ 80-3328 — 80-3331; Acts 2021, No. 18, § 1.

Amendments. The 2021 amendment inserted "System" following "Arkansas State University" in (a).

6-62-311. Rents, tolls, fees, etc. — Rules authorized.

A board of trustees is further authorized and empowered to fix the rents, tolls, fees, other charges, activity fees, and gate receipts of athletic contests and to make and to enforce the rules with reference to or in connection with any building or structure authorized to be constructed, reconstructed, enlarged, repaired, or equipped and with reference to the use thereof as the board may deem desirable for the welfare of the institution or its student body.

History. Acts 1947, No. 62, § 2; 1957, No. 10, § 1; 1959, No. 242, § 1; 1968 (1st Ex. Sess.), No. 8, § 1; 1970 (1st Ex. Sess.), No. 30, § 1; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, § 80-3312; Acts 2019, No. 315, § 374.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in the section heading and in the section.

6-62-312. Valid outstanding obligations — Refinancing or re-funding — Cancellation.

(a) A board of trustees of a state-supported institution of higher education may refinance, in whole or in part, from time to time, its valid outstanding obligations issued under Acts 1933, No. 47 [repealed], or Acts 1939, No. 14 [repealed], or issued under this subchapter or any other law for the purpose of financing and refinancing improvements for a state-supported institution of higher education.

(b)(1) To that end, the board may issue negotiable refunding notes or refunding bonds.

(2) This power may be exercised successively, and any obligations which have once been refunded may thereafter from time to time be refunded.

(3) They shall be issued upon the same terms and conditions as provided in this subchapter for original obligations.

(4) They shall be secured in the same manner and to the same extent as provided in this subchapter for original obligations.

(5) They shall be obligations only of that board, and in no event shall they be considered a debt for which the faith and credit of the State of Arkansas or any of its revenues are pledged.

(6) They may be exchanged for the outstanding obligations to be refunded, or they may be sold for cash and the proceeds used to pay them, or part may be exchanged and part may be sold.

(c) The outstanding obligations refunded shall be cancelled and destroyed contemporaneously with the delivery of the refunding obligations, except as follows:

(1) If required by any agreement with the parties to whom the refunding obligations are to be delivered, the obligations refunded may be kept intact uncanceled until the refunding obligations and interest have been paid in full, whereupon they shall forthwith be cancelled and destroyed; each obligation so kept intact is to be stamped with a legend to the effect that the obligation has been refunded pursuant to this subchapter; or

(2) If the obligations to be refunded are redeemable before maturity and have been duly called for payment in accordance with their terms, the refunding obligations may be executed and deposited with an escrow agent designated by the board, which escrow agent shall be a bank or trust company whose trust funds are secured in the manner provided by the federal laws or regulations, or state banking laws and rules thereunder, under an agreement with the escrow agent to deliver them to the purchaser on payment of the purchase price in full and in cash at least five (5) days before the redemption date of the obligations called and to remit promptly the proceeds to the paying agent of the outstanding obligations for payment thereof, provided that the board shall deposit with the escrow agent for delivery also to the paying agent any additional funds required to make payment in full of the principal of and interest on and paying agent's fees of the bonds so called for redemption. When the outstanding bonds have been paid, they shall be cancelled and destroyed.

History. Acts 1947, No. 62, §§ 3, 4; 1951, No. 313, § 2; 1957, No. 10, § 2; 1968 (1st Ex. Sess.), No. 8, § 2; 1970 (1st Ex. Sess.), No. 30, § 2; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, §§ 80-3313, 80-3314; Acts 2015, No. 566, § 1; 2019, No. 315, § 375.

Amendments. The 2019 amendment substituted "federal laws or regulations, or state banking laws and rules" for "national or state banking laws and regulations" in (c)(2).

6-62-314. Construction project exemption.

The following state-supported institutions of higher education shall be exempt as allowed by § 19-4-1415(b)(5) for construction projects exceeding five million dollars (\$5,000,000) if they have adopted policies and procedures in compliance with state law involving the awarding and oversight of the contracts for design and construction services:

- (1) Henderson State University;
- (2) Southern Arkansas University;
- (3) University of Central Arkansas;
- (4) National Park College;
- (5) Northwest Arkansas Community College; and
- (6) Arkansas Tech University.

History. Acts 2011, No. 1065, § 37; 2013, No. 1397, § 43; 2016, No. 140, § 8; 2016, No. 141, § 8; 2017, No. 179, § 6; 2021, No. 95, § 1.

Amendments. The 2016 amendment by No. 140 repealed (4).

The 2016 amendment by No. 141 substituted "National Park College" for "National Park Community College" in (a)(5).

The 2017 amendment deleted (7) and made stylistic changes.

The 2021 amendment redesignated former (5) and (6) as (4) and (5); and added (6).

SUBCHAPTER 6 — TRANSFER OR LEASE OF PROPERTY

SECTION.

6-62-606. Exemption from compliance with certain state and local laws — Review by the Building Authority Division.

SECTION.

6-62-611. Agreement for transfer and lease of property — Instruments of conveyance — Title insurance.

Effective Dates. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-62-606. Exemption from compliance with certain state and local laws — Review by the Building Authority Division.

(a) A board and an owner proceeding under this subchapter shall be exempt from compliance with all municipal and county land use restrictions, including without limitation zoning laws and requirements for obtaining building permits.

(b) In proceeding under this subchapter, it shall not be necessary for the board to comply with any other laws relating to the procurement,

disposal, or leasing of property, including without limitation laws concerning the appointment of appraisers in connection therewith, laws restricting the obligation of funds for construction, and laws dealing with the improvement of historic structures, except that the transfer and the lease agreement shall be subject to the review and approval of the Building Authority Division.

History. Acts 1983 (1st Ex. Sess.), No. 11, §§ 10, 12; 1983 (1st Ex. Sess.), No. 12, §§ 10, 12; A.S.A. 1947, §§ 80-3391.9, 80-3391.11; Acts 2015 (1st Ex. Sess.), No. 7, § 4; 2015 (1st Ex. Sess.), No. 8, § 4; 2019, No. 910, § 6056.

A.C.R.C. Notes. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 1, provided: "Transfer of the Arkansas Building Authority to the Department of Finance and Administration.

"(a)(1) The Arkansas Building Authority is transferred to the Department of Finance and Administration by a type 2 transfer under § 25-2-105.

"(2) For the purposes of this act, the Department of Finance and Administration shall be considered a principal department established by Acts 1971, No. 38.

"(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are

transferred to the Department of Finance and Administration, except as specified by this act.

"(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Director of the Department of Finance and Administration.

"(d) The members of the Arkansas Building Authority Council, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the council except as specified in this act.

"(e) The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement this act."

Amendments. The 2019 amendment deleted "of the Department of Finance and Administration" following "Building Authority Division" in (b).

6-62-611. Agreement for transfer and lease of property — Instruments of conveyance — Title insurance.

(a)(1) Upon completion of the determination of the fair market value and the fair market rental of the property, the board may enter into an agreement with the owner for the transfer of, which may be by lease from the board, as lessor, to the owner, as lessee, and lease agreement concerning the property.

(2) The agreement may provide that the owner will make improvements or additions to the property subject to the inspection and approval of all improvements and additions to the property by the Building Authority Division.

(b) Thereafter, as part of a simultaneous transaction, the board shall cause to be delivered to the owner appropriate instruments of conveyance to transfer the property to the owner, and the owner and the board shall enter into a lease agreement concerning the property.

(c) The instruments of conveyance shall contain such warranties and covenants of title as the parties shall have agreed to, and the board may furnish the owner title insurance or a commitment for title insurance.

History. Acts 1983 (1st Ex. Sess.), No. 11, § 6; 1983 (1st Ex. Sess.), No. 12, § 6; A.S.A. 1947, § 80-3391.5; Acts 2015 (1st Ex. Sess.), No. 7, § 5; 2015 (1st Ex. Sess.), No. 8, § 5; 2019, No. 910, § 6057.

A.C.R.C. Notes. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 1, provided: "Transfer of the Arkansas Building Authority to the Department of Finance and Administration."

"(a)(1) The Arkansas Building Authority is transferred to the Department of Finance and Administration by a type 2 transfer under § 25-2-105."

"(2) For the purposes of this act, the Department of Finance and Administration shall be considered a principal department established by Acts 1971, No. 38."

"(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Finance

and Administration, except as specified by this act.

"(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Director of the Department of Finance and Administration."

"(d) The members of the Arkansas Building Authority Council, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the council except as specified in this act."

"(e) The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement this act."

Amendments. The 2019 amendment deleted "of the Department of Finance and Administration" following "Building Authority Division" in (a)(2).

SUBCHAPTER 7 — ARKANSAS COLLEGE SAVINGS BOND ACT

SECTION.

6-62-705. Power and duties of Arkansas Development Finance Authority and Arkansas Higher Education Coordinating Board.

6-62-709. Bonds — Issuance — Duties of Arkansas Higher Educa-

SECTION.

tion Coordinating Board and Arkansas Development Finance Authority.

6-62-726. Rules.

Effective Dates. Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General As-

sembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health,

and safety shall become effective on July 1, 2019.”

6-62-705. Power and duties of Arkansas Development Finance Authority and Arkansas Higher Education Coordinating Board.

(a) The Arkansas Development Finance Authority and the Arkansas Higher Education Coordinating Board, jointly, in addition to powers conferred under other laws, shall have the power under this subchapter to:

(1) Provide loans from bond proceeds to state institutions of higher education, including technical colleges, community colleges, or agencies and instrumentalities of the state for payment of project costs;

(2) Construct or cause to be constructed with proceeds of the bonds or loans by the authority and the board, lease as lessee, and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, mortgage, or lend with respect to all or any part of any project;

(3) Acquire, own, hold, use, exercise, sell, mortgage, pledge, hypothecate, and in any manner to dispose of franchises, rights, privileges, licenses, rights-of-way, and easements necessary, useful, or appropriate for the exercise of the powers or implementation or the purposes set forth in this subchapter;

(4) Sell and convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of any project or other properties, tangible or intangible, including, without limitation, franchises, rights, privileges, licenses, rights-of-way, and easements;

(5) Have and exercise the right of eminent domain for the purpose of acquiring lands, the fee title thereto or any easement, right-of-way, or other interest or estate therein, for projects or portions thereof, by the procedure now provided for condemnation by railroads by §§ 18-15-1201 — 18-15-1207;

(6) Make or accept gifts or grants of moneys, services, franchises, rights, privileges, licenses, rights-of-way, easements, or other property, real or personal or mixed;

(7) Make any and all contracts necessary or convenient for the exercise of the powers or implementation of the purposes set forth in this subchapter;

(8) Fix, regulate, and collect rates, fees, rents, or other charges for the use of any properties or services furnished by the authority or the board;

(9) Require audits of any or all accounts related to construction, operation, or maintenance of any project funded by this subchapter;

(10) Take reasonable actions necessary to ensure that debt service requirements are met; and

(11) Take such other action as may be appropriate to accomplish the purposes of this subchapter.

(b) The board and the authority are authorized to promulgate rules with respect to their powers and duties pursuant to this subchapter.

History. Acts 1989, No. 683, §§ 14, 25; deleted "and regulations" following "rules" 1993, No. 171, § 2; 2019, No. 315, § 376. in (b).

Amendments. The 2019 amendment

6-62-709. Bonds — Issuance — Duties of Arkansas Higher Education Coordinating Board and Arkansas Development Finance Authority.

(a) Provided further that, before any bonds may be issued during any fiscal biennium, the Arkansas Higher Education Coordinating Board shall submit to the Governor a written plan for projects to be performed with the proceeds derived from the sale of such bonds, the need for, the estimated benefits thereof, and the anticipated debt service requirements. None of the proceeds from the issuance of the bonds as authorized herein shall be used for athletic facilities.

(b) Upon receipt thereof, the Governor shall confer with the Chief Fiscal Officer of the State concerning the amount available in the state General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, which funds shall be used to defray the debt service requirements in amounts as are determined to be available. The Chief Fiscal Officer of the State shall then determine whether the annual amount of general revenue funds required to be set aside from the net general revenue as defined in the Revenue Stabilization Law, § 19-5-101 et seq., for payment of the remaining debt service requirements in connection with the bonds during either year of the fiscal biennium in which the bonds are to be issued, would work undue hardship upon any agency or program supported from general revenues under the Revenue Stabilization Law, § 19-5-101 et seq.

(c) In connection with its duties and powers hereunder, the Arkansas Development Finance Authority shall have the following responsibilities:

(1) To make recommendations to the Governor and the Chief Fiscal Officer of the State regarding the marketing of the bonds to ensure, to the extent possible, their broad distribution throughout the state for educational purposes;

(2) To advise the Governor and the Chief Fiscal Officer of the State on an effective advertising campaign to inform the general public about the bonds and their availability;

(3) To advise the Governor and the Chief Fiscal Officer of the State regarding the increments in which to market the bonds and recommend maturity dates which will make funds available to purchasers at a time when such funds are needed for educational purposes;

(4) To advise the Governor and the Chief Fiscal Officer of the State regarding additional financial incentives as provided in this subchapter;

(5) To advise the Governor and the Chief Fiscal Officer of the State on the minimum denominations to market the bonds so that they are affordable by individuals;

(6) To evaluate the feasibility of staggered or periodic forms of payment for bonds, and to advise the Governor and Chief Fiscal Officer of the State regarding such evaluation;

(7) After the initial sale of bonds, to assess the effectiveness of the program and recommend constructive changes to the Governor and the Chief Fiscal Officer of the State regarding future bond sales; and

(8) To study and review alternative investment instruments with respect to their suitability for a college savings program.

(d) Upon conclusion of such studies, the Governor shall, if he or she deems the same to be in the public interest, by proclamation, authorize the board and the authority to proceed with the issuance of the bonds as provided herein.

(e) If the Governor shall decline or refuse to give his or her approval for the issuance of such bonds, and shall decline to issue a proclamation approving the issuance thereof, the Governor shall promptly notify the board and the authority, in writing, and the authority shall not issue such bonds, but the board may resubmit a request to the Governor for the issuance thereof within one (1) year from the date of notice of the Governor's refusal to grant approval for the issuance thereof.

(f) The issue as resubmitted to the Governor shall be dealt with in the same manner as provided for the initial request for authority to issue the bonds.

History. Acts 1989, No. 683, § 3; 1991, No. 102, § 1; 2019, No. 82, § 2.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly."

Amendments. The 2019 amendment, in (b), inserted "or its successor fund or fund accounts, including the Development and Enhancement Fund", and made stylistic changes.

6-62-726. Rules.

(a) The Division of Higher Education or other agency to which the appropriation for college savings bonds is provided shall adopt rules for the allocation of the funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter in order to ensure that funds are allocated and expended in a manner consistent with the applicable provisions of the Internal Revenue Code, 26 U.S.C. § 1 et seq.

(b) The funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter shall be

allocated and expended pursuant to the provisions of this subchapter and other laws of this state.

(c) The expenditure and allocation of funds shall be exempt from any other provisions of state law that conflict with any provision of the rules which are required to ensure the compliance of the program with the applicable provisions of the Internal Revenue Code.

History. Acts 1997, No. 342, § 42; 2019, No. 315, § 377; 2019, No. 910, § 2000.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (a).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a).

SUBCHAPTER 8 — ATHLETIC PROGRAMS

SECTION.

6-62-803. Limits on funding.

6-62-806. Rules — Nondiscriminatory application.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-62-803. Limits on funding.

(a) For the certification required under § 6-62-805, the amount allowed to be budgeted of unrestricted educational and general funds for intercollegiate athletic programs at state-supported institutions of higher education shall be limited to an amount established by the Division of Higher Education for the fiscal year 2012-2013 or an amount of not more than two percent (2%) of the actual total unrestricted educational and general revenues of the previous fiscal year at institutions of higher education.

(b) The division shall annually adjust the allowable transfer based upon the Consumer Price Index.

(c) This section shall not apply to expenditures related to compliance with § 6-60-111 or increased compliance under 20 U.S.C. § 1092(f).

History. Acts 1991, No. 366, § 3; 1997, No. 954, § 2; 2005, No. 2288, § 2; 2013, No. 1397, § 42; 2017, No. 563, § 3; 2019, No. 910, § 2001.

Amendments. The 2017 amendment added (c).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a); and substituted “division” for “department” in (b).

6-62-806. Rules — Nondiscriminatory application.

(a) The Arkansas Higher Education Coordinating Board is authorized to promulgate any rules necessary for the implementation of this subchapter.

(b) The provisions of this subchapter shall not be implemented in such a way as to discriminate against women’s athletic programs.

History. Acts 1991, No. 366, §§ 6, 7; 2019, No. 315, § 378.

deleted “or regulations” following “rules” in (a).

Amendments. The 2019 amendment

SUBCHAPTER 10 — WORKERS’ COMPENSATION INSURANCE

SECTION.

6-62-1003. Private, municipal, or self-funded coverage.

6-62-1003. Private, municipal, or self-funded coverage.

(a) Two-year and four-year public institutions of higher education may provide workers’ compensation coverage through private carriers, municipal self-funding groups, or one (1) or more self-funded entities or groups.

(b) Self-funding groups established for this purpose shall meet the following requirements:

(1) Any group established to provide coverage to public institutions of higher education only shall offer coverage to any two-year or four-year public institution of higher education in the state that applies for coverage;

(2)(A) Any group established to provide workers’ compensation coverage to public institutions of higher education shall offer coverage at rates promulgated by the Workers’ Compensation Commission.

(B) Premiums for public institutions of higher education participating in any group shall be revised annually based on the loss experience of the particular institution of higher education or group of public institutions of higher education.

(C) Each board governing a self-funding group shall be permitted to declare dividends or to give credits against renewal premiums based on annual loss experience and subject to commission approval;

(3) Any self-funding group of participating public institutions of higher education shall be subject to the rules of the commission applicable to self-insured groups or providers;

(4)(A) All self-funded groups shall obtain excess reinsurance from an admitted or approved insurance company doing business in Arkansas.

(B) In lieu of the reinsurance requirements in subdivision (b)(4)(A) of this section, any self-funded group under this section with one million five hundred thousand dollars (\$1,500,000) or more in annually collected premiums may provide excess reserves of twenty percent (20%) of annual premiums by any one (1) of the following ways:

(i) Cash or certificates of deposit in Arkansas banks; or

(ii) Letters of credit from an Arkansas bank; and

(5) Two-year and four-year public institutions of higher education shall not be required to enter into an indemnity agreement binding them jointly and severally.

History. Acts 1997, No. 1202, § 3; substituted “rules” for “regulations” in 2019, No. 315, § 379. (b)(3).

Amendments. The 2019 amendment

SUBCHAPTER 11 — HIGHER EDUCATION TECHNOLOGY AND FACILITY IMPROVEMENT

SECTION.

6-62-1104. Power and duties.

Effective Dates. Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state

projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-62-1104. Power and duties.

(a) Before any bonds may be issued during a fiscal biennium, except for refunding purposes, the Arkansas Higher Education Coordinating Board shall submit to the Governor a written plan for technology and facility improvement projects to be funded with the proceeds derived from the sale of the State of Arkansas Higher Education General Obligation Bonds, the need for the projects, the estimated benefits of the projects, and the anticipated debt service requirements for the bonds.

(b)(1) Upon receipt of the plan, the Governor shall confer with the Chief Fiscal Officer of the State concerning the amount and availability of unrestricted funds in the General Improvement Fund or its successor

fund or fund accounts, including the Development and Enhancement Fund, that would be used to meet the debt service requirements.

(2) The Chief Fiscal Officer of the State shall determine whether the annual amount of the net general revenues required to be set aside from general revenues for payment of the remaining debt service requirements in connection with the bonds to be issued under this subchapter during either year of the fiscal biennium in which the bonds are to be issued would work undue hardship upon any agency or program supported from general revenues under the provisions of the Revenue Stabilization Law, § 19-5-101 et seq.

(c) After conferring with the Chief Fiscal Officer of the State pursuant to subsection (b) of this section, if the Governor determines that issuing bonds under this subchapter is in the public interest, the Governor shall authorize by proclamation the board and the Arkansas Development Finance Authority to proceed with the issuance of the bonds under this subchapter.

(d) The authority and the board, in addition to and not in replacement or limitation of powers conferred under other laws, each shall have the power under this subchapter to:

(1) Make available bond proceeds and investment earnings on the bond proceeds to state institutions of higher education for payment of project costs in accordance with this subchapter;

(2) Enter into any and all contracts necessary or convenient for the exercise of the powers or implementation of the purposes set forth in this subchapter;

(3) Require audits or other periodic reports of any or all accounts related to construction, operation, or maintenance of any projects funded by this subchapter;

(4) Take reasonable actions to ensure that debt service requirements are met; and

(5) Take other action as may be appropriate to accomplish the purposes of this subchapter.

(e) The authority and the board are authorized to promulgate rules with respect to their powers and duties pursuant to this subchapter.

(f) No member of the authority or the board shall be liable personally for any reason arising from the issuance of bonds pursuant to this subchapter unless the person shall have acted with corrupt intent.

History. Acts 2005, No. 1282, § 1; 2019, No. 82, § 3.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly."

Amendments. The 2019 amendment inserted "or its successor fund or fund accounts, including the Development and Enhancement Fund" in (b)(1).

CHAPTER 63

EMPLOYEES OF STATE INSTITUTIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
3. HIGHER EDUCATION EXPENDITURE RESTRICTION ACT.
6. CATASTROPHIC LEAVE BANK PROGRAM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-63-103. Affirmative action programs — Plans — Annual reports.
- 6-63-104. Faculty performance review.

SECTION.

- 6-63-105. Highly Qualified Professor and Teacher Act.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-63-103. Affirmative action programs — Plans — Annual reports.

(a)(1) Each state-supported institution of higher education shall prepare an affirmative action program for the recruitment of African-Americans and other members of minorities for faculty and staff positions and for enrollment as students.

(2) Affirmative action plans shall be prepared on a continuing basis for future five-year periods.

(b)(1) Each state-supported institution of higher education shall prepare annually a summary report on the steps that have been taken to reach the goals of the plan.

(2) The report shall:

(A) Include information on the progress made by each institution for the various levels of employment within the institution; and

(B) Be presented in a table format limited to no more than five (5) pages.

(c) Copies of the five-year plan and annual reports summaries of each institution of higher education shall be included in the Comprehensive Arkansas Higher Education Annual Report, filed with the Governor,

the Division of Higher Education, the president and board of trustees of the institution, the board of visitors of the institution, if applicable, and the House Committee on Education and the Senate Committee on Education.

(d) In carrying out the affirmative action plans, each institution of higher education shall provide for a part-time or full-time employee to assist the institution in the recruitment of African-Americans and other members of minorities for faculty and staff positions and for enrollment as students.

History. Acts 1989, No. 99, § 1; 1997, No. 112, § 21; 2011, No. 696, § 4; 2019, No. 910, § 2002. substituted “Division of Higher Education” for “Department of Higher Education” in (c).
Amendments. The 2019 amendment

RESEARCH REFERENCES

ALR. Evaluation of Policies Mandating or Forbidding Race-Conscious “Affirmative Action” with Respect to Admissions, Financial Aid, Classification, or Tracking Standards for Students at Schools or Colleges After Grutter v. Bollinger and Gratz v. Bollinger. 4 A.L.R.7th Art. 6 (2015).

6-63-104. Faculty performance review.

(a) The president and chancellor of each state-supported institution of higher education in Arkansas shall work with the campus faculties to develop a framework to review faculty performance, including post-tenure review. The framework should be used to develop processes and procedures at each institution to ensure a consistently high level of performance of the faculty at Arkansas’s publicly supported institutions of higher education. The effects of the review process of faculty performance should include rewarding productive faculty, redirecting faculty efforts to improve or to increase productivity, and correcting instances of substandard performance. The framework developed by each institution shall be reported to the House Committee on Education, the Senate Committee on Education, the Joint Interim Oversight Committee on Education Reform, and the Division of Higher Education no later than December 1, 1998, and shall be implemented on the respective campuses no later than January 1, 2001.

(b) Pursuant to subsection (a) of this section, each state-supported institution of higher education in Arkansas shall conduct a rigorous, consistently applied, annual review of the performance of all full-time faculty members. This review shall include assessments by peers, students, and administrators and shall be utilized to ensure a consistently high level of performance and serve in conjunction with other appropriate information as a basis for decisions on promotion, salary increases, and job tenure. The evaluation by students and administrative staff, shall be applicable to all teaching faculty, full-time, part-time, and graduate teaching assistants and shall include an assessment of the fluency in English of the faculty member or graduate teaching

assistant. This review shall not be used to demote a tenured faculty member to a nontenured status.

(c)(1) Each college and university shall continually make efforts to identify any English fluency deficiencies of the teaching faculty and shall take reasonable measures to assist deficient faculty members in becoming proficient in English; however, the responsibility of acquiring the level of English proficiency required for the faculty member's teaching, research, or service assignments rests with the faculty member.

(2) Each college and university shall have a process for addressing concerns raised by students concerning language proficiency problems of faculty members.

(d) The division shall be responsible for monitoring the evaluation process and shall report its findings to the Arkansas Higher Education Coordinating Board and to the Legislative Council by August 1 of each year.

(e) Each state-supported institution of higher education shall require full-time faculty members of the college of education and related disciplines to work collaboratively with the accredited public schools in this state, and such faculty involvement shall be included as part of the annual review of the faculty as required by subsection (b) of this section.

History. Acts 1997, No. 1330, § 1; substituted "Division of Higher Education" for "Department of Higher Education" in (a); and substituted "division" for "department" in (d).
1999, No. 477, § 2; 1999, No. 1360, § 1;
2019, No. 910, §§ 2003, 2004.

Amendments. The 2019 amendment

6-63-105. Highly Qualified Professor and Teacher Act.

(a) This section shall be known and may be cited as the "Highly Qualified Professor and Teacher Act".

(b) A university professor or an assistant professor may receive a teaching license issued by the State Board of Education upon performing application requirements under § 6-17-401 et seq.

(c) The State Board of Education shall promulgate rules to implement this section.

History. Acts 2021, No. 657, § 1.

SUBCHAPTER 3 — HIGHER EDUCATION EXPENDITURE RESTRICTION ACT

SECTION.

6-63-305. New or additional positions.

6-63-307. Salary restrictions — Penalties.

6-63-311. Special authorization and contracts — National Center for Toxicological Research.

SECTION.

6-63-312. Contingency appropriations — Transfers and reports.

6-63-316. Reporting of salaries of administrators — Definition.

Effective Dates. Acts 2015, No. 1273, § 4: Apr. 8, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that institutions of higher education may receive revenue from sources other than general revenue; that revisions to the number of provisional positions may be necessary to serve the students enrolled for the 2014-2015 and 2015-2016 academic years; and that this act is immediately necessary to prevent the unnecessary delay in 'meeting the educational needs' of students. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2016, No. 140, § 17: July 1, 2016. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016."

Acts 2016, No. 141, § 15: July 1, 2016. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of

this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016."

Acts 2017, No. 178, § 11: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017."

Acts 2017, No. 179, § 13: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017."

Acts 2017, No. 365, § 29: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees begins on July 1 of every year and that the implementation of the Uniform Classification and Compen-

sation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2017, No. 599, § 5: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees of institutions of higher education begins annually on July 1; and that the implementation of the Higher Education Uniform Classification and Compensation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2019, No. 204, § 5: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the name change proposed under this act is to enable students interested in the Texarkana campus of the community college to have their ACT testing information sent directly to Texarkana and not to the Hope campus of the community college or to an institution in Texas; that there is confusion regarding where a student should send his or her ACT scores because Texarkana is not currently part of the campus’s formal name; and that this act is necessary in order to change the name of the community college in time for the next fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 710, § 3: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that changes in law are needed for the state-supported institutions of higher education, including the authorization of additional provisional positions, to maintain efficient operations of campuses. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2020, No. 129, § 11: July 1, 2020. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2020 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2020 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2020.”

Acts 2021, No. 289, § 4: July 1, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that changes in the law are needed for certain state-supported institutions of higher education, including the authorization of additional provisional positions, to maintain efficient operations of campuses. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2021.”

6-63-305. New or additional positions.

(a)(1) In the event that additional federal funds, grants, gifts, or collections become available that were not authorized or contemplated at the time of the passage of the fiscal year appropriation act for operations for each institution enumerated in subsection (b) of this section, that such new funds make it possible for the recipient institution to engage in educational projects that would be of benefit to the State of Arkansas, and that such projects would make it necessary to employ additional personnel, the president of the recipient institution may establish the positions if:

(A) A request for a specific nonclassified position, title, and salary has been requested by the institution of higher education, approved by the institution's board of trustees, recommended by the Division of Higher Education, and reported to the Legislative Council; or

(B) A request for a specific classified position will be assigned only after a specific position, class title, and grade are requested by the institution of higher education, approved by the institution's board, recommended by the division and reported to the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee; and

(C) The salary rates for these positions do not exceed the highest maximum annual salary rate or the highest grade for any position authorized in the regular salary section of the requesting institution's appropriation act for operations, under the Higher Education Uniform Classification and Compensation Act, § 21-5-1401 et seq.

(2) The number of additional positions shall not exceed the maximum number of positions authorized for the institution in the appropriation act for operations.

(3) The source of funding for the additional positions established under this subsection shall be reported to the division and the Legislative Council by the institution at the time of the request.

(4) Determining the number of persons to be employed by an institution of higher education is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of persons by identifying the job titles and the maximum grades or salaries attached to them. The General Assembly has determined that the institutions of higher education could be operated more efficiently if some flexibility were given to the institutions. That flexibility is being accomplished by providing new or additional positions in subsection (b) of this section, and since the General Assembly has granted the institutions broad powers under the new or additional position concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the new or additional positions by requiring prior approval of the Legislative Council in the utilization of the new or additional positions. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is

ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The following maximum number of new additional positions is established for the biennium for the following institutions of higher education at salary rates not to exceed the salary rate or the highest grade level position of comparable positions established in the regular salaries section of the appropriations act for operations for each institution:

Institution	Maximum Number of Additional Positions
(1) Arkansas State University-Jonesboro	375
(2) Arkansas State University-Mountain Home	40
(3) Arkansas State University-Beebe	100
(4) Arkansas State University-Newport	60
(5) Arkansas Tech University	65
(6) Black River Technical College	44
(7) Cossatot Community College of the University of Arkansas	105
(8) East Arkansas Community College	40
(9) National Park College	40
(10) Henderson State University	60
(11) Arkansas State University Mid-South	75
(12) Arkansas Northeastern College	70
(13) North Arkansas College	70
(14) Northwest Arkansas Community College	80
(15) Arkansas State University Three Rivers	40
(16) Ozarka College	46
(17) University of Arkansas Community College at Morrilton	40
(18) Phillips Community College of the University of Arkansas	40
(19) University of Arkansas — Pulaski Technical College	80
(20) University of Arkansas Community College at Rich Mountain	40
(21) South Arkansas Community College	50
(22) Southeast Arkansas College	60
(23) Southern Arkansas University	70
(24) SAU-Tech	40
(25) University of Arkansas at Fayetteville	750

(26) University of Arkansas — Agricultural Experiment Station	250
(27) University of Arkansas Cooperative Extension Service	250
(28) University of Arkansas — Arkansas Archeological Survey	150
(29) University of Arkansas — Criminal Justice Institute	250
(30) University of Arkansas at Little Rock	300
(31) University of Arkansas for Medical Sciences	1,000
(32) University of Arkansas at Monticello	100
(33) University of Arkansas at Pine Bluff	150
(34) University of Arkansas Community College at Batesville	40
(35) University of Arkansas Community College at Hope-Texarkana	40
(36) University of Central Arkansas	300
(37) University of Arkansas at Fort Smith	40
(38) University of Arkansas — Arkansas School for Mathematics, Sciences, and the Arts	60
(39) University of Arkansas — Clinton School of Public Service	75
(40) University of Arkansas system	60

(c) The positions established under this subchapter shall expire at the end of the fiscal year in which they are established.

(d) Each institution shall include in its annual budget request presented to the Legislative Council a request to continue any position authorized under this subchapter.

History. Acts 1983, No. 147, § 4; 1985, No. 845, § 1; A.S.A. 1947, § 80-5604; Acts 1989, No. 36, § 1; 1991, No. 1089, § 1; 1993, No. 823, § 2; 1995, No. 70, § 1; 1995, No. 1164, §§ 1, 3; 1999, No. 664, § 1; 2001, No. 739, § 1; 2003, No. 1460, § 1; 2003 (1st Ex. Sess.), No. 30, § 33; 2005, No. 2123, § 34; 2005, No. 2200, § 1; 2007, No. 620, § 1; 2007, No. 1255, § 38; 2009, No. 245, § 1; 2009, No. 688, § 1; 2009, No. 1334, § 37; 2015, No. 1273, §§ 1-3; 2016, No. 140, § 9; 2016, No. 141, § 9; 2017, No. 178, § 5; 2017, No. 179, § 7; 2017, No. 599, § 1; 2019, No. 204, § 1; 2019, No. 710, §§ 1, 2; 2019, No. 910, §§ 2005, 2006; 2020, No. 129, § 8; 2021, No. 289, §§ 1-3.

Amendments. The 2016 amendment by No. 140 substituted “Arkansas State

University Mid-South” for “Mid-South Community College” in (b)(11).

The 2016 amendment by No. 141 substituted “National Park College” for “National Park Community College” in (b)(9).

The 2017 amendment by No. 178 inserted “University of Arkansas” in (b)(19).

The 2017 amendment by No. 179 substituted “University of Arkansas Community College at Rich Mountain” for “Rich Mountain Community College” in (b)(20).

The 2017 amendment by No. 599, rewrote (a)(1)(B); in (a)(1)(C) deleted “level” following “grade”, and substituted “the Higher Education Uniform Classification and Compensation Act, § 21-5-1401 et seq.” for “Uniform Classification and Compensation Act, § 21-5-201 et seq., or its successor”; in (a)(3), inserted “the addi-

tional” and substituted “department” for “office”; and substituted “an institution of higher education” for “a state agency” in (a)(4).

The 2019 amendment by No. 204 substituted “University of Arkansas Community College at Hope-Texarkana” for “University of Arkansas Community College at Hope” in (b)(35).

The 2019 amendment by No. 710 substituted “325” for “300” in (b)(1) and “70” for “60” in (b)(23).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1)(A); and substituted “division” for “department” in (a)(1)(B) and (a)(3).

The 2020 amendment rewrote (b)(15).

The 2021 amendment substituted “375” for “325” in (b)(1); substituted “150” for “130” in (b)(33); and substituted “60” for “50” in (b)(40).

6-63-307. Salary restrictions — Penalties.

(a) An employee drawing a salary or other form of compensation from an institution of higher education shall not be paid an additional salary or receive additional compensation other than reimbursement for actual expenses from that institution or from any other agency or institution of higher education except upon written certification to and approval by the Director of the Division of Higher Education and by the head of each agency or institution that the work performed by the employee for the other agency or institution of higher education does not interfere with the proper and required performance of the employee’s primary duties and that the combined salary payments from both agencies or institutions of higher education will not exceed the larger maximum annual salary of the line item position authorized for either agency from which the employee is to be paid.

(b) Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until the employee shall repay to the state any sums received by the employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

(c) Any compensation received by an employee for participation in a noncredit seminar, conference, or convention sponsored by an institution of higher education that is paid from funds generated by the seminar, conference, or convention shall be excluded from the maximum salary restrictions provided for in § 6-63-303 and the salary restrictions provided for in this section.

History. Acts 1983, No. 147, § 7; A.S.A. 1947, § 80-5607; Acts 1989 (3rd Ex. Sess.), No. 42, § 2; 2001, No. 1191, § 1; 2017, No. 365, § 1; 2019, No. 910, § 2007.

Amendments. The 2017 amendment, in (a), substituted “An employee” for “No employee”, “shall not” for “shall”, and “Di-

rector of the Department of Higher Education” for “Chief Fiscal Officer of the State”.

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a).

6-63-311. Special authorization and contracts — National Center for Toxicological Research.

(a) The boards of trustees of the University of Arkansas and Arkansas State University, after seeking the advice of the Legislative Council, may make a special allowance available, in such amounts as the boards may determine are justified and equitable in view of the complexities of the duties and in consideration of the competence of individual scientists, as part of the compensation of scientists employed by the University of Arkansas or Arkansas State University in connection with any contract entered into between the University of Arkansas or Arkansas State University and the United States Government or any of its departments or agencies for conducting research and educational programs connected with the National Center for Toxicological Research at Pine Bluff, if:

(1) All of the compensation is paid from funds received by the University of Arkansas or Arkansas State University under terms of the contract; and

(2)(A) The special allowance for any scientist and related personnel employed by the University of Arkansas for Medical Sciences shall not exceed an amount equal to one and one-half ($1\frac{1}{2}$) that portion of his or her salary which could be paid from state funds if he or she were employed in a similar position, but unrelated to the National Center for Toxicological Research at Pine Bluff; and

(B) The special allowance for any scientist and related personnel employed by the other participating institutions shall not exceed an amount equal to that portion of his or her salary which could be paid from state funds if he or she were employed in a similar position, but unrelated to the National Center for Toxicological Research at Pine Bluff; and

(3) The Division of Higher Education will be notified of when and in what amount the special allowance will be paid prior to activation of the special allowance.

(b) In no event shall the boards of trustees of the University of Arkansas or Arkansas State University authorize or make special allowances, as provided for in this section, for more than twenty-five (25) scientist positions for the University of Arkansas for Medical Sciences nor more than ten (10) scientist positions for each of the other participating institutions.

(c) Furthermore, the gross salaries to be received by each of the scientists referred to above shall be limited to a maximum of seventy-three thousand four hundred sixty dollars (\$73,460) from all sources for each fiscal year of the biennium.

History. Acts 1983, No. 147, § 13; 1985, No. 845, § 2; A.S.A. 1947, § 80-5613; Acts 2019, No. 910, § 2008.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in (a)(3).

6-63-312. Contingency appropriations — Transfers and reports.

(a) Upon approval by the Division of Higher Education and the Chief Fiscal Officer of the State, institutions of higher education may transfer appropriation from the cash contingency appropriation to any other appropriation made to the institution from cash funds and institutions may transfer appropriation from the contingency appropriation made payable from each institution's State Treasury fund to the state operations appropriation made payable from each institution's State Treasury fund.

(b) The division shall report monthly to the Legislative Council these appropriation transfers, and the report shall include, by institution, the amounts transferred, the reasons therefor, and the source of the funds.

History. Acts 1983, No. 147, § 8; A.S.A. 1947, § 80-5608; Acts 2005, No. 2124, § 31; 2019, No. 910, § 2009.

A.C.R.C. Notes. Acts 2014, No. 104, § 35, provided: "CONTINGENCY APPROPRIATIONS — TRANSFERS AND REPORTS."

"(a) Upon approval by the Department of Higher Education and the Chief Fiscal Officer of the State, institutions of higher education may transfer appropriation from the cash contingency appropriation to any other appropriation made to the institution from cash funds including the establishment of commitment items, and may transfer appropriation from the contingency appropriation made payable from each institution's State Treasury Fund to the state operations appropriation made payable from each institution's State Treasury Fund including the establishment of commitment items, and may transfer appropriation from the contingency appropriation made payable from the Tobacco Settlement Program Fund Accounts to any other appropriation made to the institution from Tobacco Settlement Program Fund Accounts including the establishment of commitment items.

"(b) Contingency appropriation transfers shall only establish and supplement

commitment items that were recommended by the Higher Education Coordinating Board in the budget manuals presented to the Legislative Council and Joint Budget Committee.

"(c) The Department of Higher Education shall report contingency appropriation transfers and the establishment of any commitment items authorized by this Section to the Legislative Council or Joint Budget Committee for review during its July meeting. The report shall include, by institution, the establishment of, and the amounts transferred to, each commitment item, the reasons therefor and the source of funds. Institutions shall submit contingency appropriation transfer and commitment item establishment requests authorized by this Section to the Department of Higher Education no later than July 1. Upon the failure of an institution to submit the required information by the July 1 deadline, the Department of Higher Education shall immediately notify by written notification the chairpersons of the Legislative Council or Joint Budget Committee."

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (a); and substituted "division" for "department" in (b).

6-63-316. Reporting of salaries of administrators — Definition.

(a) As used in this section, "administrator" means an employee included as executive, administrative, or managerial on the IPEDS/EEO-6 reports.

(b)(1) A state-supported institution of higher education shall submit a report listing each administrator at the state-supported institution of higher education who earns a salary of one hundred thousand dollars

(\$100,000) or more to the Arkansas Higher Education Coordinating Board and the Division of Higher Education by July 1 each year, beginning July 1, 2010.

(2) The report shall be posted on the division website no later than July 15 each year, beginning July 15, 2010.

(c) The report shall include:

(1) Each administrator's:

- (A) Name;
- (B) Position;
- (C) Salary;
- (D) Retirement matching;
- (E) Health insurance matching;
- (F) Life insurance matching;
- (G) Social security matching;

(2) All special contract provisions for each administrator such as:

- (A) A house provided or a housing allowance;
- (B) A vehicle provided or a vehicle allowance;
- (C) Deferred compensations; or
- (D) Other fringe benefits not provided all employees;

(3) The total value of each administrator's compensation package; and

(4) The funding source for each benefit in an administrator's compensation package.

History. Acts 2009, No. 321, § 1; 2019, No. 910, § 2010.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (b)(1); and substituted "division" for "department" in (b)(2).

SUBCHAPTER 6 — CATASTROPHIC LEAVE BANK PROGRAM

SECTION.

6-63-602. Administration.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-63-602. Administration.

(a)(1) The Department of Transformation and Shared Services shall have administrative responsibility for developing, implementing, and maintaining a catastrophic leave bank program for nonfaculty benefits-eligible, full-time employees of the state institutions of higher education.

(2) Each state institution of higher education may participate in the catastrophic leave bank authorized by this section and administered by the Office of Personnel Management, or the institution may establish a catastrophic leave bank for its employees.

(b) Accrued annual leave and sick leave of employees may be donated to a catastrophic leave bank.

(c) Catastrophic leave with pay may be granted to an employee when such employee is unable to perform his or her duties due to a catastrophic illness.

(d) An employee may be eligible for catastrophic leave when:

(1) The employee has been employed by the state institution of higher education for more than two (2) years;

(2) An acceptable medical certificate from a physician supporting the continued absence is on file; and

(3) The employee has not been disciplined for any leave abuse during the past two (2) years.

(e) If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.

(f) The Secretary of the Department of Transformation and Shared Services or his or her designee shall promulgate necessary rules as deemed necessary to carry out the provisions of this section.

(g) Nothing in this subchapter shall be construed to repeal in any way the exclusion of nonclassified employees of state-supported institutions of higher learning under the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.

History. Acts 1993, No. 441, § 2; 1999, No. 1176, § 2; 2019, No. 315, § 380; 2019, No. 910, §§ 6058, 6059.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (f).

The 2019 amendment by No. 910 substituted "Department of Transformation and Shared Services" for "Department of

Finance and Administration" in (a)(1); deleted "of the Division of Management Services of the Department of Finance and Administration" following "Office of Personnel Management" in (a)(2); and substituted "Secretary of the Department of Transformation and Shared Services" for "Director of the Department of Finance and Administration" in (f).

CHAPTER 64
UNIVERSITY OF ARKANSAS

SUBCHAPTER.

- 1. GENERAL PROVISIONS.
- 2. BOARD OF TRUSTEES.
- 3. CAMPUSES ESTABLISHED.
- 4. MEDICAL DEPARTMENT GENERALLY.
- 7. DIVISION OF AGRICULTURE OF THE UNIVERSITY OF ARKANSAS.
- 10. FINANCES.
- 12. TRAINING OF LAW ENFORCEMENT OFFICIALS AND JAIL PERSONNEL. [REPEALED.]

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-64-102. [Repealed.]
- 6-64-104. Radio broadcasts of football and basketball games.

SECTION.

- 6-64-111. [Repealed.]
- 6-64-112. [Repealed.]

6-64-102. [Repealed.]

Publisher’s Notes. This section, concerning real estate research and education programs, was repealed by Acts 2015, No. 344, § 1. The section was derived from Acts 1975, No. 338, § 1; 1975, No. 341, § 1; 1979, No. 1031, § 1; A.S.A. 1947, §§ 80-2884.1, 80-2894.

6-64-104. Radio broadcasts of football and basketball games.

(a) Unless otherwise prohibited or limited by Southeastern Conference rules, the University of Arkansas Athletics Department shall make available for radio broadcasts all football and basketball games of the University of Arkansas under uniform arrangements for the right to radio broadcast the games as may be provided by the department.

(b) However, no discrimination shall be made against any licensed radio broadcasting station in this state with respect to the access to and the rights to radio broadcast football or basketball games in accordance with a schedule of fees, standards, rules, and regulations promulgated by the department making these broadcasts accessible and available to each Arkansas radio broadcasting station that desires to broadcast these games.

History. Acts 1981, No. 599, § 1; A.S.A. 1947, § 80-2895; Acts 2003, No. 1473, § 13; 2019, No. 315, § 381.

Amendments. The 2019 amendment inserted “rules” in (b).

6-64-111. [Repealed.]

Publisher’s Notes. This section, concerning allowance in lieu of housing, was repealed by Acts 2015, No. 344, § 2. The section was derived from Acts 1999, No. 240, § 2.

6-64-112. [Repealed.]

Publisher's Notes. This section, concerning the lead agency for the Arkansas Victim Assistance Academy, was repealed

by Acts 2017, No. 459, § 1. The section was derived from Acts 2009, No. 961, § 1.

SUBCHAPTER 2 — BOARD OF TRUSTEES

SECTION.

6-64-201. Members — Meetings.

6-64-203. Rules.

6-64-207. President of the University of Arkansas.

SECTION.

6-64-208. Faculty and assistants.

6-64-211 — 6-64-213. [Repealed.]

6-64-215. [Repealed.]

6-64-217. [Repealed.]

6-64-201. Members — Meetings.

(a) The Board of Trustees of the University of Arkansas shall consist of ten (10) members.

(b) The Governor shall appoint the trustees. These appointments shall be with the consent of the Senate, except as provided in Arkansas Constitution, Amendment 33, § 5.

(c)(1) Two (2) members shall be appointed from each of the four (4) congressional districts, as established following the most recent federal census.

(2)(A) Two (2) members shall be appointed from the state at large.

(B) The two (2) at-large members shall not reside in the same congressional district.

(3) In case of an increase or decrease in the number of congressional districts in the state, the number of members appointed from the state at large shall be increased or decreased in a manner to assure equal representation on the board for each congressional district.

(4) The member or members of the board, if any, appointed from the state at large shall be alumni of the University of Arkansas.

(d) The term of office shall be ten (10) years.

(e) The trustees shall make and subscribe to an affidavit before entering upon their respective duties to faithfully, diligently, and impartially discharge the duties of their office.

(f)(1) The board, for any cause deemed sufficient by them, shall have power by a majority vote, taken at any meeting, to remove any member from the board. However, no member shall be so removed unless as many as five (5) of the trustees vote for removal.

(2) When any member of the board is so removed, the votes of the trustees shall be recorded, and the president of the board shall make a certificate showing the result of the vote and transmit the certificate without delay to the Governor, who shall at once declare the commission which had been issued to the removed trustee vacated, and he or she shall appoint and commission some competent person to fill the vacancy so occasioned.

(g)(1) The board shall elect a chairperson.

(2) A lesser number than a quorum may adjourn from time to time.

(3) The board shall have the power to hold adjourned meetings when the business of the university actually requires it, or the chairperson of the board may call a meeting of the board when he or she is satisfied that the interest of the university so requires or when five (5) members of the board petition him or her so to do.

(h) The members of the board may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1871, No. 44, § 12, p. 201; 1873, No. 33, § 1, p. 65; 1874 (Spec. Sess.), No. 31, § 4, p. 39; 1875, No. 109, § 1, p. 234; 1887, No. 95, §§ 1, 2, p. 178; 1891, No. 83, § 2, p. 151; 1907, No. 87, § 1, p. 192; C. & M. Dig., §§ 9518, 9519, 9523, 9527 — 9529, 9533; Pope's Dig., §§ 13137, 13138, 13142, 13146 — 13148, 13156; Acts 1939, No. 9, §§ 1, 2; 1941, No. 302, §§ 1, 2; 1943, No. 272, §§ 1, 2; A.S.A. 1947, §§ 80-2802 — 80-2807, 80-2810; Acts 1997, No. 250, § 28; 1997, No. 1140, § 1; 2015, No. 344, §§ 3, 4.

6-64-203. Rules.

The Board of Trustees of the University of Arkansas shall have power to prescribe all rules for the government and discipline of the University of Arkansas, subject to the provisions of this subchapter and such other acts of the General Assembly as may be prescribed.

History. Acts 1887, No. 95, § 4, p. 178; C. & M. Dig., § 9524; Pope's Dig., § 13143; A.S.A. 1947, § 80-2812; Acts 2019, No. 315, § 382. **Amendments.** The 2019 amendment deleted "and regulations" following "rules" in the section heading and in the text.

6-64-207. President of the University of Arkansas.

The President of the University of Arkansas shall attend meetings of the Board of Trustees of the University of Arkansas at such times and places as named and required in this subchapter and shall perform all such duties as are required in this subchapter or may be directed by the board.

History. Acts 1871, No. 44, § 12, p. 201; C. & M. Dig., § 9529; Pope's Dig., § 13148; A.S.A. 1947, § 80-2810; Acts 1997, No. 250, § 29; 2015, No. 344, § 5.

6-64-208. Faculty and assistants.

(a) The faculty of the University of Arkansas shall consist of a president and such professors as the Board of Trustees of the University of Arkansas may deem necessary, whose compensation shall be fixed by the board.

(b) [Repealed.]

(c) The board may employ such assistants as it may deem necessary, whose compensation shall be fixed by the board.

(d) The manner of payment of all salaries shall be regulated by the board.

History. Acts 1887, No. 95, § 8, p. 178; § 9536; Pope's Dig., § 13159; A.S.A. 1947, 1891, No. 83, § 5, p. 151; C. & M. Dig., § 80-2823; Acts 2015, No. 344, § 6.

6-64-211 — 6-64-213. [Repealed.]

Publisher's Notes. These sections, concerning financial officer; financial officer attendance at board meetings; and purchasing agent and registrar, were repealed by Acts 2015, No. 344, § 7. The sections were derived from the following sources:

6-64-211. Acts 1913, No. 224, § 10; A.S.A. 1947, § 80-2821.

6-64-212. Acts 1871, No. 44, § 12, p. 201; C. & M. Dig., § 9529; Pope's Dig., § 13148; A.S.A. 1947, § 80-2810.

6-64-213. Acts 1915, No. 289, § 8; C. & M. Dig., § 9553; Pope's Dig., § 13202; A.S.A. 1947, § 80-2822.

6-64-215. [Repealed.]

Publisher's Notes. This section, concerning records and reports regarding students and teachers, was repealed by Acts 2015, No. 344, § 8. The section was de-

rived from Acts 1913, No. 224, § 10; C. & M. Dig., §§ 9520 — 9522; Pope's Dig., §§ 13139 — 13141; A.S.A. 1947, §§ 80-2814 — 80-2816; 2005, No. 1994, § 187.

6-64-217. [Repealed.]

Publisher's Notes. This section, concerning the annual report of agricultural and mechanical departments, was repealed by Acts 2015, No. 344, § 9. The

section was derived from Acts 1887, No. 95, § 10, p. 178; C. & M. Dig., § 9525; Pope's Dig., § 13144; A.S.A. 1947, § 80-2818.

SUBCHAPTER 3 — CAMPUSES ESTABLISHED

SECTION.

6-64-302. Monticello — Establishment.

6-64-304. [Repealed.]

SECTION.

6-64-305. eVersity — University of Arkansas system.

6-64-302. Monticello — Establishment.

(a) The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the University of Arkansas at Monticello, consolidating and incorporating therein the state institution formerly known as Arkansas Agricultural and Mechanical College, which, together with its board of trustees, was abolished as a separate institution with responsibility transferred to the control of the Board of Trustees of the University of Arkansas as a part of the University of Arkansas effective July 1, 1971.

(b) The Board of Trustees of the University of Arkansas shall maintain and operate the campus at Monticello as a major four-year campus of the University of Arkansas, offering at that location the highest possible quality of high educational programs, shall provide for the sound growth and improvement of the quality of the academic programs, and shall expand its mission to include technical education at Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technol-

ogy-Crossett, and Great Rivers Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee.

History. Acts 1971, No. 9, § 1; A.S.A. 1947, § 80-2885; Acts 1997, No. 834, § 1; 2003, No. 1196, § 1; 2005, No. 1771, § 1; 2017, No. 540, § 6; 2017, No. 1006, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207(b), the amendment to subsections (b) and (c) by Acts 2017, No. 540, § 6, is superseded by the amendment to this section by Acts 2017, No. 1006, § 1. Acts 2017, No. 540, § 6, provided:

“(b)(1) There is established the Board of Visitors for the University of Arkansas at Monticello, which shall consist of seven (7) members appointed by the Governor subject to confirmation by the Senate.

“(2)(A) The Governor shall appoint one (1) member from:

“(i) The Board of Directors of the University of Arkansas at Monticello College of Technology-Crossett; and

“(ii) The Board of Directors of the University of Arkansas at Monticello College of Technology-McGehee.

“(B) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1,

2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee, shall be appointed by the Board of Trustees of the University of Arkansas.

“(c)(1)(A) Appointments shall be bipartisan and be for terms of five (5) years.

“(B) The Governor shall endeavor to make appointments to the board of visitors so that at least four (4) members of the board of visitors will be alumni of the University of Arkansas at Monticello.

“(C) After the expiration of the terms of the members initially appointed under subsection (b) of this section, the members appointed by the Governor in 2006 shall draw lots for staggered terms.

“(D) Appointments after 2006 shall be for terms of five (5) years.

“(2) Members may serve no more than two (2) consecutive terms but shall otherwise be eligible for reappointment to the board of visitors.

“(3) When there is a vacancy in an unexpired term, the appointee shall serve for the remaining portion of the term.”

Amendments. The 2017 amendment by No. 540 rewrote (b) and (c).

The 2017 amendment by No. 1006 rewrote the section.

6-64-304. [Repealed.]

A.C.R.C. Notes. The repeal of this section by Acts 2017, No. 1006, § 2, superseded the amendment of this section by Acts 2017, No. 540, § 7. Acts 2017, No. 540, § 7 substituted “five (5) years” for “seven (7) years” in (c).

Publisher’s Notes. This section, con-

cerning the Pine Bluff Board of Visitors, was repealed by Acts 2017, No. 1006, § 2. The section was derived from Acts 1971, No. 512, § 3; A.S.A. 1947, § 80-3201n; Acts 2015, No. 1100, § 7; 2017, No. 540, § 7.

6-64-305. eVersity — University of Arkansas system.

(a) The General Assembly acknowledges that the eVersity, an entirely online institution of higher education of the University of Arkansas system established by the actions of the Board of Trustees of the University of Arkansas and recognized by the Arkansas Higher Education Coordinating Board, may:

(1) Offer certificate and degree programs in a manner that recognizes a systemic change from the traditional model for higher education; and

(2) Provide educational programs that meet the needs of an information-rich and technology-oriented population in a development-driven workforce era.

(b) A program of study offered by the eVersity shall have clearly defined expectations of students, including without limitations expectations concerning:

- (1) Knowledge;
- (2) Skills;
- (3) Competencies; and
- (4) Capacities for additional learning.

(c) To meet the needs of a changing workforce, graduates of the eVersity are required to demonstrate mastery, competency, and capabilities of the program area.

(d)(1) The eVersity courses and degree programs shall be designed to require active participation and engagement of students in the learning process.

(2) The eVersity courses and degree programs will be supported by strong academic support services to enhance student success.

(e) To provide affordable educational opportunities, open educational resources shall be utilized to support course delivery to students.

(f) To keep courses and degree programs offered by the eVersity at affordable tuition levels while maintaining transparency and accountability, the eVersity is exempt from the following statutes that are not applicable to an entirely online institution of higher education:

- (1) Section 6-60-204;
- (2) Section 6-60-206 [repealed];
- (3) Section 6-60-211;
- (4) Section 6-60-303;
- (5) Immunizations, § 6-60-501 et seq.;
- (6) Textbooks and course materials, § 6-60-601 et seq.;
- (7) Arkansas Higher Education Information System, § 6-60-901 et seq.;
- (8) Sections 6-61-107 and 6-61-108;
- (9) Section 6-61-123;
- (10) Section 6-61-127 [repealed];
- (11) Section 6-61-130;
- (12) Section 6-61-207;
- (13) Sections 6-61-214 and 6-61-215;
- (14) Sections 6-61-220 — 6-61-222;
- (15) Section 6-61-224 [repealed];
- (16) Sections 6-61-228 — 6-61-230 [repealed];
- (17) Section 6-61-233 [repealed];
- (18) [Repealed.]
- (19) Sections 6-62-106 and 6-62-107;
- (20) Section 6-63-104;
- (21) Section 6-63-303;
- (22) Section 6-63-307;
- (23) Section 6-80-106; and

(24) Section 19-4-1604.

History. Acts 2015, No. 306, § 1; 2019, No. 256, § 6.

Amendments. The 2019 amendment repealed (f)(18).

SUBCHAPTER 4 — MEDICAL DEPARTMENT GENERALLY

SECTION.

6-64-405. University of Arkansas College of Medicine Admissions Board.

SECTION.

6-64-411. School of Dental Hygiene.

6-64-414. Area health education centers.

Effective Dates. Acts 2019, No. 986, § 52: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of

the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019."

6-64-405. University of Arkansas College of Medicine Admissions Board.

(a) There is established the University of Arkansas College of Medicine Admissions Board.

(b)(1) The University of Arkansas College of Medicine Admissions Board shall be composed of fifteen (15) members to be appointed by the Board of Trustees of the University of Arkansas and shall be selected from a list submitted by the Dean of the University of Arkansas College of Medicine subject to the approval of the Chancellor for Health Sciences and the President of the University of Arkansas system.

(2) Six (6) of the members shall be members of the faculty of the University of Arkansas College of Medicine.

(3) Eight (8) of the members, at least four (4) of whom shall have faculty appointments in the University of Arkansas College of Medicine, shall be appointed from each of the four (4) congressional districts and shall be apportioned on the basis of two (2) members from each congressional district.

(4) One (1) member shall be appointed from the state at large.

(c) All members of the University of Arkansas College of Medicine Admissions Board shall serve one-year terms and may be reappointed for not more than three (3) additional consecutive terms.

(d) The University of Arkansas College of Medicine Admissions Board shall promulgate reasonable rules necessary to the fair and competitive selection of freshmen medical students with due consider-

ation being given scholastic standings, recommendations of the pre-medical advisory committees of the various schools where the applicants pursue their premedical studies, their performance on the Medical College Admission Test, and any other procedures that can be developed that would deal fairly with the applicant group as a whole.

(e) The University of Arkansas College of Medicine Admissions Board shall serve without compensation except that each University of Arkansas College of Medicine Admissions Board member may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1975, No. 310, §§ 1-3; A.S.A. 1947, §§ 80-2928 — 80-2930; Acts 1997, No. 250, § 30; 2013, No. 515, § 1; 2019, No. 315, § 383.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (d).

6-64-411. School of Dental Hygiene.

(a) There is established at the State Medical Center, under the direction of the Board of Trustees of the University of Arkansas, a University of Arkansas School of Dental Hygiene, which shall offer a program of clinical instruction leading to a degree or certificate in dental hygiene.

(b) The board shall establish rules governing admissions to the University of Arkansas School of Dental Hygiene, programs of instruction therein, and the qualifications and requirements for a degree or certificate. However, rules for admissions, courses or programs of clinical instruction, and degrees or certificates for graduation therefrom shall be in accordance with the standards established by the recognized national accreditation association of dental hygiene schools or programs.

(c) Any degree or certificate granted by the University of Arkansas School of Dental Hygiene shall also be in conformance with the standards for licensing as a dental hygienist under the applicable licensing laws of this state.

History. Acts 1967, No. 331, § 1; A.S.A. 1947, § 80-2878; Acts 2019, No. 315, § 384.

Amendments. The 2019 amendment deleted “and regulations” following “rules” twice in (b).

6-64-414. Area health education centers.

(a) The Chancellor of the University of Arkansas for Medical Sciences shall make annual progress reports of area health education center programs to the Governor, the Legislative Council, and other interested interim committees of the General Assembly regarding the achievements and the expansion of the programs and the amounts expended for the area health education centers.

(b) The reports described in subsection (a) of this section shall also include the practice locations of the students participating in the area health education center programs.

History. Acts 1995, No. 1099, § 15; 2019, No. 986, § 33.
Amendments. The 2019 amendment designated the existing provisions as (a); in (a), substituted “annual for “periodic” and deleted “aforementioned” preceding the second occurrence of “programs”; and added (b).

SUBCHAPTER 7 — DIVISION OF AGRICULTURE OF THE UNIVERSITY OF ARKANSAS

SECTION.	SECTION.
6-64-701. Acceptance of federal aid.	6-64-715. Use of material and information.
6-64-702 — 6-64-712. [Repealed.]	6-64-716. Division of Agriculture.
6-64-713. Authority to make a contract with United States Government.	6-64-717. Research and extension offices, facilities, centers, and stations.
6-64-714. Cooperation with federal agencies — Reporting by state unaffected.	6-64-718. Preservation of Pine Tree Research Station.

Publisher’s Notes. Acts 2015, No. 1065, § 1 rewrote the subchapter heading.
Effective Dates. Acts 2021, No. 564, § 2: Apr. 5, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that state lands are held and managed for the benefit of the citizens of Arkansas; that the public has a right to continue to enjoy state lands used for public purposes; that a sale of Pine Tree Research Station would damage the trust of the citizens in the state and disrupt the public peace; and that this act is immediately necessary because a sale of the property to a private entity would discontinue the public’s right to use and enjoy the state lands. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-64-701. Acceptance of federal aid.

The assent of the General Assembly is given:
 (1) For the purpose of the grants made in 7 U.S.C. § 361a et seq., the Board of Trustees of the University of Arkansas may accept any sums coming to the State of Arkansas under that federal act and apply them for the benefit of the Division of Agriculture of the University of Arkansas in accordance with the terms and conditions expressed in the Act of Congress referred to above;
 (2) To the provisions and requirements of an Act of Congress entitled “An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states,” known as the Smith-Lever Act, 7 U.S.C. § 341 et seq., the board may receive any sums coming to the State of Arkansas under that federal act, and apply them for the benefit of the division in accordance with the terms and conditions expressed in the Act of Congress referred to above; and

(3) To the provisions and requirements of the federal act of October 10, 1962, popularly known as the McIntire-Stennis Cooperative Forestry Research Program, 16 U.S.C. § 582a et seq., the board may receive any sums coming to the State of Arkansas under that federal act, and apply them for the benefit of the forestry program established by the division in accordance with the terms and conditions expressed in the Act of Congress referred to above.

History. Acts 1927, No. 290, § 5; 2015, No. 1065, § 1.

6-64-702 — 6-64-712. [Repealed.]

Publisher's Notes. These sections, concerning a course of study, investigations and recommendations by the director, investigation and classification of soils, branch stations, Central Branch Station, Rice Branch Experiment Station, Fruit and Truck Branch Station, Cotton Branch Experiment Station, Livestock and Forestry Branch Experiment Station, seed-testing laboratory, Bureau of Research and Statistics, were repealed by Acts 2015, No. 1065, § 1. The sections were derived from the following sources:

6-64-702. Acts 1905, No. 231, § 1, p. 587; C. & M. Dig., § 9565; Pope's Dig., § 13166; A.S.A. 1947, § 80-2827.

6-64-703. Acts 1905, No. 231, §§ 3, 6, p. 587; C. & M. Dig., §§ 9567, 9568; Pope's Dig., §§ 13168, 13169; A.S.A. 1947, §§ 80-3002, 80-3003.

6-64-704. Acts 1921, No. 542, §§ 1-3; Pope's Dig., §§ 13170-13172; A.S.A. 1947, §§ 80-3004 — 80-3006.

6-64-705. Acts 1905, No. 231, § 2, p. 587; 1919, No. 664, § 2; C. & M. Dig., § 9566; Pope's Dig., § 13167; A.S.A. 1947, § 80-3001.

6-64-706. Acts 1919, No. 664, §§ 1, 3-9; 1997, No. 250, § 31.

6-64-707. Acts 1923, No. 753, §§ 1-3, 7; Pope's Dig., §§ 13194-13196, 13200; A.S.A. 1947, §§ 80-3009 — 80-3012.

6-64-708. Acts 1923, No. 754, §§ 1-3, 7; Pope's Dig., §§ 13180-13182, 13186; A.S.A. 1947, §§ 80-3013 — 80-3016.

6-64-709. Acts 1923, No. 755, §§ 1-3, 7; Pope's Dig., §§ 13187-13189, 13193; A.S.A. 1947, §§ 80-3017 — 80-3020.

6-64-710. Acts 1937, No. 361, § 1; Pope's Dig., § 13201; A.S.A. 1947, § 80-3021.

6-64-711. Acts 1953, No. 96, § 1; A.S.A. 1947, § 80-3028.

6-64-712. Acts 1935, No. 127, §§ 1, 4, 5; Pope's Dig., §§ 12402, 12405, 12406; A.S.A. 1947, §§ 80-3022, 80-3025, 80-3026.

6-64-713. Authority to make a contract with United States Government.

The Division of Agriculture of the University of Arkansas may, with the consent of the Board of Trustees of the University of Arkansas, enter into a contract with the United States through the United States Secretary of Agriculture or any authorized representative through which the division shall cooperate with the United States Department of Agriculture in the actual work of collecting, tabulating, interpreting, and disseminating statistical information concerning crops and livestock in Arkansas.

History. Acts 1935, No. 127, § 2; Pope's Dig., § 12403; A.S.A. 1947, § 80-3023; Acts 2015, No. 1065, § 1.

6-64-714. Cooperation with federal agencies — Reporting by state unaffected.

(a) The Division of Agriculture of the University of Arkansas shall collaborate with the representatives of the United States Department of Agriculture in the collection and tabulation of crop statistics.

(b) Sections 6-64-713 — 6-64-715 shall not prevent the State of Arkansas from collecting and publishing statistics concerning crops and livestock not reported by the United States Department of Agriculture.

History. Acts 1935, No. 127, § 3; Pope's Dig., § 12404; A.S.A. 1947, § 80-3024; Acts 2015, No. 1065, § 1.

6-64-715. Use of material and information.

The Division of Agriculture of the University of Arkansas may use material and information in preparing and disseminating research and information concerning food, fiber, feed, agribusiness, bioenergy, and related law issues.

History. Acts 1935, No. 127, § 6; Pope's Dig., § 12407; A.S.A. 1947, § 80-3027; Acts 2015, No. 1065, § 1.

6-64-716. Division of Agriculture.

(a)(1) The Division of Agriculture of the University of Arkansas, a state-supported institution of higher education, includes the Arkansas Agricultural Experiment Station and the University of Arkansas Cooperative Extension Service.

(2) The mission of the division is to provide research and extension on all aspects of agriculture, food, youth, families, and communities.

(3) The division is encouraged to cooperate with:

(A) The United States Department of Agriculture as a specially designated land grant institution of higher education;

(B) Other federal, state, and international agencies;

(C) Communities and school districts in the state; and

(D) Rural, urban, and agricultural stakeholders throughout the state.

(4) Any federal, state, county, or municipal funds appropriated to the division shall be used for the promotion of research and extension as allowed under this subchapter and not for any other purpose.

(b) The purpose of the Arkansas Agricultural Experiment Station is to develop and advance scientific knowledge through basic and applied research regarding:

(1) Food;

(2) Fiber;

(3) Feed;

(4) Agribusiness;

(5) Bioenergy issues; and

(6) Other programmatic areas that are established by the division.

(c) The purpose of the Arkansas Cooperative Extension Service is to advance and disseminate scientific knowledge regarding:

- (1) Agriculture;
- (2) The environment;
- (3) Human health and well-being;
- (4) Communities; and
- (5) Other programmatic areas that are established by the division.

History. Acts 2015, No. 1065, § 1.

6-64-717. Research and extension offices, facilities, centers, and stations.

(a) The Division of Agriculture of the University of Arkansas, with the approval of the Board of Trustees of the University of Arkansas, may establish and maintain:

- (1) Research and extension offices, facilities, centers, and stations throughout the state to better serve its stakeholders; and
- (2) Testing and diagnostic centers concerning animals, plants, food, soil, water, air, and agricultural inputs.

(b) The division, with the approval of the board, shall establish the name of an office, facility, center, or station established under subdivision (a)(1) of this section.

History. Acts 2015, No. 1065, § 1.

6-64-718. Preservation of Pine Tree Research Station.

(a) The Board of Trustees of the University of Arkansas shall not sell the property commonly known as the "Pine Tree Research Station", located in St. Francis County, Arkansas, acquired by the Board of Trustees of the University of Arkansas from the United States of America, acting through the United States Forest Service in 1978, to a private entity or individual.

(b) The Board of Trustees of the University of Arkansas may sell the property commonly known as the "Pine Tree Research Station", located in St. Francis County, Arkansas, acquired by the Board of Trustees of the University of Arkansas from the United States of America, acting through the United States Forest Service in 1978, to a nonprofit corporation:

(1) Organized with the primary mission to keep the land open to the public and available for public use; and

(2) Organized and operated for a minimum of five (5) years.

(c) The property commonly known as the "Pine Tree Research Station", located in St. Francis County, Arkansas, acquired by the Board of Trustees of the University of Arkansas from the United States of America, acting through the United States Forest Service in 1978, shall remain open to the public for public use, including without limitation:

- (1) Public fishing;
- (2) Public hunting;
- (3) Biking;
- (4) Bird watching; and
- (5) Hiking.

(d) All property commonly known as the “Pine Tree Research Station”, located in St. Francis County, Arkansas, acquired by the Board of Trustees of the University of Arkansas from the United States of America, acting through the United States Forest Service in 1978, used for row crop cultivation in the year 2020, is exempt from subsection (c) of this section.

History. Acts 2021, No. 564, § 1.

SUBCHAPTER 10 — FINANCES

SECTION.

6-64-1004. [Repealed.]

6-64-1009. Funds excepted from applica-
tion of §§ 6-64-1006 —
6-64-1008.

6-64-1004. [Repealed.]

Publisher’s Notes. This section, concerning the Athletics Instruction Fund, was repealed by Acts 2015, No. 344, § 10.

The section was derived from Acts 1945, No. 286, §§ 1-5; A.S.A. 1947, §§ 80-2836 — 80-2840.

6-64-1009. Funds excepted from application of §§ 6-64-1006 — 6-64-1008.

The provisions of §§ 6-64-1006 — 6-64-1008 shall not apply to student fees, student deposits, and other sums collected at the University of Arkansas at Fayetteville, nor to any funds except those held in the State Treasury for the use of the University of Arkansas.

History. Acts 1915, No. 289, § 14; C. & M. Dig., § 9559; Pope’s Dig., § 13208;

A.S.A. 1947, § 80-2846; Acts 2015, No. 344, § 11.

SUBCHAPTER 12 — TRAINING OF LAW ENFORCEMENT OFFICIALS AND JAIL PERSONNEL

[Repealed.]

SECTION.

6-64-1201, 6-64-1202. [Repealed.]

6-64-1201, 6-64-1202. [Repealed.]

A.C.R.C. Notes. The repeal of § 6-64-1201 by Acts 2017, No. 423, § 3, superseded the amendment of this section by Acts 2017, No. 913, § 24. Acts 2017, No.

913, § 24 substituted “Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services” for “Division of Behavioral Health Services”

in (1). The repeal of § 6-64-1202 by Acts 2017, No. 423, § 3, superseded the amendment of this section by Acts 2017, No. 913, § 25. Acts 2017, No. 913, § 25 substituted "Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services" for "Division of Behavioral Health Services" at the end of (b)(2)(B).

Publisher's Notes. These sections,

concerning definitions and the creation and duties of the Law Enforcement Training Committee, were repealed by Acts 2017, No. 423, §§ 3, 4. The sections were derived from the following sources:

6-64-1201. Acts 2007, No. 1013, § 1, 2017, No. 913, § 24.

6-64-1202. Acts 2007, No. 1013, § 1, 2017, No. 913, § 25.

CHAPTER 65

AGRICULTURAL COLLEGES

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS STATE UNIVERSITY.
3. ARKANSAS TECH UNIVERSITY.
4. SOUTHERN ARKANSAS UNIVERSITY.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-65-104. [Repealed.]

6-65-106. Labor at schools performed by students.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-65-104. [Repealed.]

Publisher's Notes. This section, concerning rural school teachers' training departments, was repealed by Acts 2021, No.

467, § 12, effective July 28, 2021. The section was derived from Acts 1923, No. 229, §§ 1, 2; 2019, No. 910, § 2011.

6-65-106. Labor at schools performed by students.

All work in, on, and about schools, or on the farms, or on or in the barns connected with the schools, whether it is farming, building, care of stock, or whatever kind of work, shall be performed by students of

each school under such rules for the proper divisions and alterations in the work as may be provided by the trustees.

History. Acts 1909, No. 100, § 8, p. 295; C. & M. Dig., § 9610; Pope's Dig., § 12957; A.S.A. 1947, § 80-3110; Acts 2019, No. 315, § 385.

Amendments. The 2019 amendment substituted "rules" for "regulations".

SUBCHAPTER 2 — ARKANSAS STATE UNIVERSITY

SECTION.

6-65-201. Board of Trustees of Arkansas State University System.

6-65-202. Powers and duties of board.

6-65-203. Right of eminent domain.

6-65-208. ASU-Beebe — Board of trustees.

6-65-209, 6-65-210. [Repealed.]

6-65-211. ASU-Beebe — Faculty and staff.

6-65-212. ASU-Beebe — Tuition and admissions.

SECTION.

6-65-213. [Repealed.]

6-65-214. ASU-Beebe — Rental of unused property authorized.

6-65-217. Arkansas State Technical Institute — Legislative findings, determinations, and intent.

6-65-218. [Repealed.]

6-65-221 — 6-65-224. [Repealed.]

6-65-226. Housing allowance.

Effective Dates. Acts 2021, No. 18, § 23: Feb. 1, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that Henderson State University is scheduled for reaffirmation of accreditation based on requirements imposed by the regional Higher Learning Commission and federal regulations; that Henderson State University has already received from the Higher Learning Commission Board of Trustees one (1) extension of accreditation related to its Change of Control application wherein Henderson State University joins the Arkansas State University system; and that this act is immediately necessary because Henderson

State University must host a focused visit within a certain timeframe in order to receive reaffirmation of accreditation and become a member institution of the Arkansas State University system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-65-201. Board of Trustees of Arkansas State University System.

(a) There is created a board constituting the Board of Trustees of the Arkansas State University System.

(b)(1) The board shall consist of seven (7) members appointed from the state at large.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c)(1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2)(A) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, a Justice of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of § 25-17-201 at the same time.

(d)(1) The term of office for each member shall commence on January 15 and shall end on January 14 of the seventh year following the year in which the regular term commenced.

(2) On or before the fourteenth day following the commencement of each regular session of the General Assembly, the Governor shall submit to the Senate for approval the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Vacancies on the board shall be filled by appointments by the Governor from the state at large.

(f) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board and shall be thereafter effective until the expiration of the regular terms.

(g)(1) Before entering upon his or her respective duties, each board member shall take and subscribe and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

(2)(A) Any violation of the oath shall be a Class B misdemeanor.

(B) Any contract entered into in violation of the oath shall be void.

(h) Members of the board provided for in this section may receive expense reimbursement in accordance with § 25-16-901 et seq.

(i)(1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State, together with a complete record of the proceedings at the hearing.

(4)(A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

History. Acts 1943, No. 1, §§ 2, 4-7; 1967, No. 3, § 2; 1967, No. 18, § 2; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206, 80-3124.1; Acts 1997, No. 250, § 33; 2005, No. 1994, § 389; 2021, No. 18, §§ 2-4.

A.C.R.C. Notes. Acts 2021, No. 18, § 22, provided: "The terms of the two (2) additional members of the Board of Trustees of the Arkansas State University System appointed from the state at large by the Governor, by and with the advice and consent of the Senate, and created by this act shall be staggered as follows:

"(1) The term of the first additional member shall expire six (6) years from initial appointment; and

"(2) The term of the second additional member shall expire five (5) years from initial appointment."

Amendments. The 2021 amendment, in (a), substituted "a board" for "an honorary board" and substituted "the Arkansas State University System" for "Arkansas State University"; substituted "seven (7) members" for "five (5) members" in (b)(1); and substituted "seventh year" for "fifth year" in (d)(1).

6-65-202. Powers and duties of board.

(a) The Board of Trustees of the Arkansas State University System created in § 6-65-201 is charged with the management and control of the Arkansas State University System.

(b) The Board of Trustees of the Arkansas State University System shall have the power, authority, and duties formerly conferred by law on the board it succeeds.

History. Acts 1943, No. 1, § 3; A.S.A. 1947, § 7-202; Acts 2021, No. 18, § 5.

substituted "the Arkansas State University System" for "Arkansas State University" twice in (a).

Amendments. The 2021 amendment

6-65-203. Right of eminent domain.

(a) The right of eminent domain is granted to Arkansas State University located at Jonesboro, to condemn property, wherever and whenever the acquisition of property is necessary for the use of the university. However, homesteads as of March 28, 1947, shall not be deemed to come within the provisions of this section.

(b) All suits for condemnation of property under the provisions of this section shall be brought by the university in the name of the State of Arkansas.

(c)(1) Before any suit can be instituted, it shall be necessary for the Board of Trustees of the Arkansas State University System to pass a resolution to the effect that the acquisition of the property sought to be condemned is necessary for the use and benefit of the university.

(2) The resolution shall also set forth the purpose for which the lands are to be condemned, together with the legal description of the lands.

(d)(1) Upon adoption of the resolution, the board is authorized to request the prosecuting attorney of the district in which the lands are situated to assist in instituting proper proceedings for the condemnation of the lands.

(2) In the event any prosecuting attorney is requested to institute or to assist in instituting such proceedings, it shall then be the duty of that prosecuting attorney to comply with the request of the board.

(e) It shall be the duty of the Attorney General of the State of Arkansas to handle all appeals taken to the Supreme Court of the state from any such actions.

History. Acts 1947, No. 333, §§ 1-3; A.S.A. 1947, §§ 80-3121 — 80-3123; Acts 2021, No. 18, § 6.

substituted “the Arkansas State University System” for “Arkansas State University” in (c)(1).

Amendments. The 2021 amendment

6-65-208. ASU-Beebe — Board of trustees.

The Board of Trustees of the Arkansas State University System is empowered to exercise any powers, rights, and obligations in regard to Arkansas State University-Beebe that it is now empowered and authorized by law to exercise in regard to Arkansas State University.

History. Acts 1955, No. 84, § 4; A.S.A. 1947, § 80-3138; Acts 2001, No. 90, § 1; 2021, No. 18, § 7.

substituted “the Arkansas State University System” for “Arkansas State University”.

Amendments. The 2021 amendment

6-65-209, 6-65-210. [Repealed.]

Publisher’s Notes. These sections, concerning counties composing district for ASU-Beebe and course of study, were repealed by Acts 2021, No. 18, § 8, effective February 1, 2021. The sections were derived from the following sources:

6-65-209. Acts 1927, No. 132, § 3; Pope’s Dig., § 12974; A.S.A. 1947, § 80-3136; Acts 2001, No. 90, § 2.

6-65-210. Acts 1927, No. 132, § 5; Pope’s Dig., § 12976; A.S.A. 1947, § 80-3139.

6-65-211. ASU-Beebe — Faculty and staff.

(a) The faculty of Arkansas State University-Beebe shall consist of:

(1) A principal, who shall be a graduate of some reputable school of agriculture and well versed in practical farming in such soils as surround the university;

(2) One (1) instructor in stock raising, poultry, and dairying, who shall have had practical work as such; and

(3) Such assistants as may be necessary.

(b) The Board of Trustees of the Arkansas State University System may combine the duties of any of the positions listed in subsection (a) of this section when practical.

History. Acts 1927, No. 132, § 6; Pope's Dig., § 12977; A.S.A. 1947, § 80-3140; Acts 2001, No. 90, § 3; 2021, No. 18, § 9.

Amendments. The 2021 amendment, in (b), substituted "the Arkansas State University System" for "Arkansas State University" and "positions listed in subsection (a) of this section" for "above".

6-65-212. ASU-Beebe — Tuition and admissions.

(a) The tuition in Arkansas State University-Beebe shall be determined by the Board of Trustees of the Arkansas State University System.

(b) The board may limit the number of students from time to time according to the capacity and means of the institution and shall make such rules of admission as to equalize as nearly as practical the privileges of the university among the counties composing the district according to population.

(c) No student under fifteen (15) years of age shall be admitted as a student of the university.

History. Acts 1927, No. 132, § 8; Pope's Dig., § 12979; A.S.A. 1947, § 80-3142; Acts 2003, No. 634, § 2; 2021, No. 18, § 10.

Amendments. The 2021 amendment substituted "the Arkansas State University System" for "Arkansas State University" in (a).

6-65-213. [Repealed.]

Publisher's Notes. This section, concerning ASU-Beebe and labor performed by students, was repealed by Acts 2021, No. 18, § 11, effective February 1, 2021.

The section was derived from Acts 1927, No. 132, § 7; Pope's Dig., § 12978; A.S.A. 1947, § 80-3141; Acts 2019, No. 315, § 386.

6-65-214. ASU-Beebe — Rental of unused property authorized.

The Board of Trustees of the Arkansas State University System is authorized to rent to the best advantage from time to time any portion of the property of Arkansas State University-Beebe not required for the immediate use of the university.

History. Acts 1927, No. 132, § 8; Pope's Dig., § 12979; A.S.A. 1947, § 80-3142; Acts 2021, No. 18, § 12.

Amendments. The 2021 amendment

substituted "the Arkansas State University System" for "Arkansas State University".

6-65-217. Arkansas State Technical Institute — Legislative findings, determinations, and intent.

It is found and determined by the Seventy-Fifth General Assembly of the State of Arkansas that:

(1) The education and employment of its populace are two (2) of the highest goals of modern government;

(2) Technological advancements in industrial production and business are changing the means and methods in which business is conducted in world markets;

(3) Existing businesses and industries in Arkansas must respond to these changes in order to survive;

(4) If the state is to develop a stronger economic base, steps must be taken to provide existing businesses and industries with the tools necessary for continued development, and new industries must be convinced of the state's desire to have them locate within our borders;

(5) In both instances a highly educated and trained work force is an essential element;

(6) Although improvements have been and are being made in secondary and postsecondary vocational and technical education programs in the state, no program currently exists which combines applied advanced mathematics and science and general education with highly technical vocational programs at the certificate and associate degree level; and

(7) The financial resources of the state dictate that such a program should be established for the State of Arkansas.

History. Acts 1985, No. 496, § 5; A.S.A. 1947, § 80-3151; Acts 2021, No. 18, § 13.

Amendments. The 2021 amendment deleted (b).

6-65-218. [Repealed.]

Publisher's Notes. This section, concerning establishment of the Arkansas State Technical Institute, was repealed by Acts 2021, No. 18, § 14, effective Febru-

ary 1, 2021. The section was derived from Acts 1985, No. 496, § 6; A.S.A. 1947, § 80-3152; Acts 2001, No. 90, § 6.

6-65-221 — 6-65-224. [Repealed.]

Publisher's Notes. These sections, concerning the Arkansas State Technical Institute general operations, admissions, advanced placement, etc., tuition, fees, charges, etc., and reporting requirements, were repealed by Acts 2021, No. 18, § 15, effective February 1, 2021. The sections were derived from the following sources:

6-65-221. Acts 1985, No. 496, § 8;

A.S.A. 1947, § 80-3154; Acts 2001, No. 90, § 7; 2019, No. 315, § 387.

6-65-222. Acts 1985, No. 496, § 8; A.S.A. 1947, § 80-3154; Acts 2019, No. 315, § 388.

6-65-223. Acts 1985, No. 496, § 8; A.S.A. 1947, § 80-3154.

6-65-224. Acts 1985, No. 496, § 9; A.S.A. 1947, § 80-3155.

6-65-226. Housing allowance.

Upon approval by the Board of Trustees of the Arkansas State University System, the chancellor, or the director if there is no chancellor, of a campus of the Arkansas State University System may receive a housing allowance in an amount not to exceed one thousand five hundred dollars (\$1,500) per month in lieu of college housing.

History. Acts 1995, No. 1035, § 7; 2001, No. 90, § 8; 2021, No. 18, § 16.

Amendments. The 2021 amendment substituted “the Arkansas State University System” for “Arkansas State University” twice, “of a campus” for “of the various campuses”, and “one thousand five hundred dollars (\$1,500) per month” for “four hundred dollars (\$400) per month”.

SUBCHAPTER 3 — ARKANSAS TECH UNIVERSITY

SECTION.
6-65-303. Hot Springs Branch.

6-65-303. Hot Springs Branch.

(a) The Board of Trustees of Arkansas Tech University is authorized to establish in Hot Springs, a branch of Arkansas Tech University and shall operate thereat courses of instruction at less than baccalaureate degree programs.

(b) The board is authorized to establish appropriate rules for the operation of that campus.

History. Acts 1971, No. 676, § 7; 2019, No. 315, § 389. deleted “and regulations” following “rules” in (b).

Amendments. The 2019 amendment

SUBCHAPTER 4 — SOUTHERN ARKANSAS UNIVERSITY

SECTION.
6-65-404. SAU-Tech.

A.C.R.C. Notes. Acts 2014, No. 253, § 6, provided: “TUITION REIMBURSEMENT. The Board of Trustees of Southern Arkansas University shall be authorized to reimburse tuition, fees, and other educational related expenses of current faculty who seek additional education levels that will benefit the university in meeting accreditation and professional standards. Reimbursement shall be authorized only when the reimbursement request has been documented by the institution to meet critical shortage instructional areas.”

6-65-404. SAU-Tech.

(a) The Board of Trustees of Southern Arkansas University and the President of Southern Arkansas University shall operate SAU-Tech as a technical division of Southern Arkansas University.

(b) The board, through the president, is authorized to establish appropriate rules for the operation of SAU-Tech.

(c) The board shall operate the properties belonging to the division in accordance with the terms of and for the respective purposes as set forth in the conveyances and agreements by which the properties were donated to the Career Education and Workforce Development Board.

History. Acts 1975, No. 171, § 2; A.S.A. 1947, § 80-3125.2; Acts 1993, No. 447, § 2; 2019, No. 315, § 390.

A.C.R.C. Notes. Acts 2016, No. 194, § 25, provided:

“(a) As referenced in Section 3(c) of Act 1147 of 2015, the authorized funding for the SAU-Tech for construction, renovation, maintenance, critical maintenance, equipment, security enhancements, technology upgrades/equipment and furnishings for the Auto Body Shop Building shall be deemed to also include costs of campus safety and technology upgrades and replacement.

“(b) As referenced in Section 3(c) of Act 1518 of 2013 and Section 3(c) of Act 1519 of 2013, the authorized funding for the SAU-Tech for construction, renovation,

maintenance, critical maintenance, equipment, security enhancements, technology upgrades/equipment and furnishings for the Auto Body Shop Building shall be deemed to also include costs of campus safety and technology upgrades and replacement.

“(c) As referenced in Section 3(c) of Act 1096 of 2011 and Section 3(c) of Act 1117 of 2011, the authorized funding for the SAU-Tech for construction, renovation and equipment for the Auto Body Building shall be deemed to also include costs of campus safety and technology upgrades and replacement.”

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (b).

CHAPTER 66

HENDERSON STATE UNIVERSITY

SECTION.

6-66-101. [Repealed.]

6-66-102. Abolishment of board.

SECTION.

6-66-103. [Repealed.]

6-66-110 — 6-66-113. [Repealed.]

A.C.R.C. Notes. Acts 2020, No. 30, § 7, provided: “LOAN. Notwithstanding the provisions of Arkansas Code Annotated § 19-5-501, immediately upon the effective date of this section [April 17, 2020], the President of Henderson State University is authorized to request the Chief Fiscal Officer of the State to make a loan on his or her books in the amount not to exceed six million dollars (\$6,000,000) from the Budget Stabilization Trust Fund to the Henderson State University Fund. Loan repayments shall be made from time to time from any legal fund of Henderson State University and the entire amount of the loan shall be repaid to the Budget Stabilization Trust Fund no later than June 30, 2028 or as recommended by the General Assembly upon review of the loan

status, which shall be presented to the Arkansas Legislative Council or the Joint Budget Committee no later than June 30 each year.”

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should be-

come effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2021, No. 18, § 23: Feb. 1, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that Henderson State University is scheduled for reaffirmation of accreditation based on requirements imposed by the regional Higher Learning Commission and federal regulations; that Henderson State University has already received from the Higher Learning Commission Board of Trustees one (1) extension of accreditation related

to its Change of Control application wherein Henderson State University joins the Arkansas State University system; and that this act is immediately necessary because Henderson State University must host a focused visit within a certain time-frame in order to receive reaffirmation of accreditation and become a member institution of the Arkansas State University system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-66-101. [Repealed.]

Publisher's Notes. This section, concerning the Board of Trustees of Henderson State University, was repealed by Acts 2021, No. 18, § 17, effective February 1, 2021. The section was derived from Acts 1929, No. 46, §§ 6, 7; Pope's Dig.,

§§ 13111, 13112; Acts 1941, No. 128, § 6; 1943, No. 1, §§ 2, 4-7; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206, 80-2704, 80-2705; Acts 1997, No. 250, § 37; 2005, No. 1994, § 392; 2009, No. 595, § 8.

6-66-102. Abolishment of board.

(a) The Board of Trustees of Henderson State University is abolished as a separate entity with responsibility for the governance of Henderson State University and is transferred to the control of the Board of Trustees of the Arkansas State University System.

(b) The Board of Trustees of Henderson State University shall:

(1) Relinquish all responsibility, control, and supervision concerning Henderson State University; and

(2) Be divested of all obligations and duties applicable to Henderson State University that are abolished by this section.

(c) The Board of Trustees of the Arkansas State University System shall become vested with and succeed to all of the following that were vested with the Board of Trustees of Henderson State University before its abolishment under subsection (a) of this section:

- (1) Rights;
- (2) Powers;
- (3) Interests;
- (4) Duties;
- (5) Responsibilities;
- (6) Titles; and

(7) Interests in and to all:

- (A) Real property; and
- (B) Personal property.

History. Acts 1929, No. 46, § 3; Pope's Dig., § 13108; Acts 1941, No. 128, § 4; 1943, No. 1, § 3; A.S.A. 1947, §§ 7-202, 80-2703; Acts 2003, No. 1230, § 1; 2019, No. 315, § 391; 2021, No. 18, § 18.

Amendments. The 2019 amendment

substituted "rules" for "regulations" in (d)(4).

The 2021 amendment substituted "Abolishment" for "Powers and duties" in the section heading; and rewrote the section.

6-66-103. [Repealed.]

Publisher's Notes. This section, concerning participation in federal and state aid, was repealed by Acts 2021, No. 18, §

19, effective February 1, 2021. The section was derived from Acts 1941, No. 173, § 5.

6-66-110 — 6-66-113. [Repealed.]

Publisher's Notes. These sections, concerning custodian of funds and payment of bills and accounts, limitation of expenditures, right of eminent domain, and report by board of trustees, were repealed by Acts 2021, No. 18, § 20, effective February 1, 2021. The sections were derived from the following sources:

6-66-110. Acts 1929, No. 46, §§ 10, 11; Pope's Dig., §§ 13115, 13116; A.S.A. 1947, §§ 80-2708, 80-2709.

6-66-111. Acts 1929, No. 46, § 12; Pope's Dig., §§ 13101, 13117; A.S.A. 1947, § 80-2710.

6-66-112. Acts 1959, No. 16, §§ 1-3; A.S.A. 1947, §§ 80-2716 — 80-2718.

6-66-113. Acts 1929, No. 46, § 17; Pope's Dig., § 13121; A.S.A. 1947, § 80-2715; Acts 2019, No. 910, § 2012.

CHAPTER 67**UNIVERSITY OF CENTRAL ARKANSAS****SECTION.**

6-67-103. Powers and duties of board.

6-67-106. Model school.

6-67-113. Payroll deductions.

SECTION.

6-67-114. Biennial report to General Assembly.

Effective Dates. Acts 2019, No. 724, § 10; July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon

the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new de-

partments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should

become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-67-103. Powers and duties of board.

(a) The Board of Trustees of the University of Central Arkansas created in § 6-67-102 is charged with the management and control of the University of Central Arkansas.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board which it succeeds, including those set forth in this section.

(c) The board shall be charged with the liabilities of the corporate body which it succeeds.

(d)(1) The board shall:

(A) Have perpetual succession of officers and members;

(B) Have the right to use and keep a common seal and to alter the seal at will;

(C) Have the right to contract and be contracted with; and

(D) Have the right to own, purchase, sell, and convey property, real, personal, and mixed, and be authorized and empowered to receive and hold donations, devises, bequests, and legacies for the use and benefit of the university, provided that all property purchased under the authority of this chapter shall be free from liens and encumbrances and that the title to the property as well as to any donation that the board may receive shall be taken in the name of the members of the board and shall become the property of the State of Arkansas.

(2) The board shall have full power and authority from time to time to make, constitute, and establish such bylaws, rules, and orders not inconsistent with law as to the board seems necessary for the regulation, government, and control of the board as trustees and all officers, teachers, and other persons by the board employed in and about the university, all persons in the university, and regarding limitations as to number of pupils to be admitted.

(3) The board shall fix and regulate tuition and all fees, costs, and other charges for attendance at the university.

(4) Admission requirements shall be established by the board, in accordance with policies adopted by the board, consistent with the laws and rules of this state.

(5) The board shall have the authority to grant diplomas and degrees.

History. Acts 1907, No. 317, § 2, p. 762; C. & M. Dig., § 9587; Pope's Dig., § 13091; Acts 1941, No. 128, § 1; 1943, No. 1, § 3; 1975, No. 3, § 2; A.S.A. 1947, § 7-202, 80-2602.2, 80-2605; Acts 2003, No. 207, § 1; 2019, No. 315, § 392.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (d)(4).

6-67-106. Model school.

The Board of Trustees of the University of Central Arkansas may provide for the establishment of a model school for practice in connection with the University of Central Arkansas and shall make the necessary rules for the government and support of the model school.

History. Acts 1907, No. 317, § 8, p. 762; C. & M. Dig., § 9593; Pope's Dig., § 13097; A.S.A. 1947, § 80-2608; Acts 2003, No. 207, § 2; 2019, No. 315, § 393.

Amendments. The 2019 amendment substituted "rules" for "regulations".

6-67-113. Payroll deductions.

(a) The Board of Trustees of the University of Central Arkansas may permit deductions from the payrolls of university employees, if the employees authorize the deduction in writing, for contributions to:

- (1) The University of Central Arkansas Foundation, Inc.; or
- (2) Other programs or services authorized by the board and provided by the University of Central Arkansas to its employees.

(b)(1) Payroll deductions under subsection (a) of this section may include voluntary payroll deductions for employees using on-campus programs and facilities.

(2) Payroll deductions under this subsection shall not be made on a pretax basis.

(3) This subsection does not reduce or eliminate payroll regulations otherwise established by law.

History. Acts 1989 (1st Ex. Sess.), No. 45, § 7; 2003, No. 207, § 5; 2019, No. 724, § 6.

added (b) and designated the former section as (a); and inserted "in writing" in the introductory language of (a).

Amendments. The 2019 amendment

6-67-114. Biennial report to General Assembly.

(a) The Board of Trustees of the University of Central Arkansas shall biennially make a report to the General Assembly at the beginning of its regular session.

(b) The report shall be incorporated in the report of the Director of the Division of Higher Education and shall set forth the financial and scholastic condition of the University of Central Arkansas, furnish such suggestions as in the board's judgment are necessary for the improvement of the university, and shall make any further recommendations that may seem wise and expedient to the board.

History. Acts 1907, No. 317, § 19, p. 762; C. & M. Dig., § 9602; Pope's Dig., § 13105; A.S.A. 1947, § 80-2616; Acts 2009, No. 962, § 7; 2019, No. 910, § 2013.

Publisher's Notes. In 2021, "Commissioner of Elementary and Secondary Education" was changed to "Director of the Division of Higher Education" in this sec-

tion at the direction of the Arkansas Code Revision Commission, pursuant to § 25-43-109.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).

CHAPTER 68

ELECTRONIC INSTRUCTIONAL MATERIAL

SECTION.

6-68-102. Electronic version of printed instructional material.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-68-102. Electronic version of printed instructional material.

An individual, firm, partnership, or corporation that publishes or manufactures printed instructional materials for students attending any institution of higher education in the State of Arkansas shall provide to the accredited institution of higher education for use by students of that school any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the school. Computer files or electronic versions of printed instructional materials shall maintain the structural integrity of the printed instructional material, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary. The computer files or electronic versions of the printed instructional material shall be provided to the institution of higher education, at no additional cost and in a timely manner, upon receipt of a written request that does all of the following:

(1) Certifies that the institution of higher education has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that school has purchased the printed instructional material;

(2) Certifies that the student has a disability that prevents him or her from using standard instructional materials;

(3) Certifies that the printed instructional material is for use by the student in connection with a course in which he or she is registered or enrolled; and

(4) Is signed by the coordinator of services for students with disabilities at the institution of higher education and by an official responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. At the request of the institution of higher education, the Division of State Services for the Blind or the Division of Career and Technical Education may prepare and sign the certification.

History. Acts 2001, No. 758, § 1; Acts 2019, No. 910, § 2014.

substituted "Division of Career and Technical Education" for "Department of Career Education" in (4).

Amendments. The 2019 amendment

***SUBTITLE 6. POSTSECONDARY EDUCATION —
FINANCIAL ASSISTANCE PROGRAMS***

CHAPTER 80

GENERAL PROVISIONS

SECTION.

6-80-102. Compliance with Selective Service Act required.

6-80-105. Student financial aid — Scholarship stacking — Definitions.

SECTION.

6-80-107. Transcripts — Definition.

6-80-108. Essays for institutional scholarships.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-80-102. Compliance with Selective Service Act required.

(a) "Institution of higher education" has the meaning assigned by the Division of Higher Education.

(b) "Statement of selective service status" means a statement certifying that:

(1) The individual filing the statement is registered with the United States Selective Service System in accordance with the Military Selective Service Act, 50 U.S.C. Appx. § 451 et seq.; or

(2) The individual filing the statement is not required to register with the United States Selective Service System because the individual is:

(A) Under eighteen (18) years of age;

(B) In the United States Armed Forces on active duty, other than in a reserve or national guard unit;

(C) Neither a United States citizen nor a resident alien;

(D) A permanent resident of the trust territory of the Pacific Islands or the Northern Mariana Islands; or

(E) Excused from registration for some other reason provided by federal law and that reason is included in the filed statement.

(c) A male under twenty-six (26) years of age is not eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses that is partially or fully funded by the state or a state agency unless the individual has filed a statement of selective service status with the institution in which the individual plans to enroll.

(d) The division shall specify by rule the form of statements of selective service status and the supporting documents to be filed to be in compliance with this section. The division shall distribute to each institution of higher education a copy of all rules adopted under this section.

History. Acts 1989, No. 188, §§ 1-3; 2019, No. 910, §§ 2015, 2016.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a); and substituted "division" for "department" twice in (d).

6-80-105. Student financial aid — Scholarship stacking — Definitions.

(a) As used in this section:

(1) "Cost of attendance" means the recognized cost of attendance of an institution of higher education calculated under rules established by the Division of Higher Education;

(2) "Federal aid" means scholarships or grants awarded to a student as a result of the Free Application for Federal Student Aid, excluding the Pell Grant;

(3) "Other aid" means a scholarship, grant, waiver, or reimbursement for tuition, fees, books, or other cost of attendance, other than federal aid or state aid, provided to a student from a postsecondary institution or a private source;

(4) "State aid" means scholarships or grants awarded to a student from public funds, including without limitation the Arkansas Academic Challenge Scholarship under § 6-85-201 et seq., the Division of Higher

Education scholarship and grant programs, state general revenues, tuition, and local tax revenue; and

(5)(A) "Student aid package" means federal aid, state aid, and other aid a student receives for postsecondary education expenses.

(B) "Student aid package" does not include federal aid, state aid, or other aid received by a student who is:

(i) An active member of the United States Armed Forces;

(ii) An active member of the National Guard;

(iii) A member of the reserve components of the armed forces; or

(iv) The spouse of a person under subdivision (a)(5)(B)(i), subdivision (a)(5)(B)(ii), or subdivision (a)(5)(B)(iii) of this section.

(b)(1) A postsecondary institution shall not award state aid in a student aid package in excess of the cost of attendance at the institution where the student enrolls.

(2) For the purpose of stacking scholarships in a student's student aid package, the Arkansas Academic Challenge Scholarship under § 6-85-201 et seq. shall be reduced or returned first.

(c) A postsecondary institution shall report to the division the total amount of federal aid, state aid, and other aid a student receives if the student receives an award from a division scholarship or grant program, including the Arkansas Academic Challenge Scholarship under § 6-85-201 et seq.

(d)(1) When a student receives a student aid package that includes state aid and the student aid package exceeds the cost of attendance, the postsecondary institution shall repay state aid in the amount exceeding the cost of attendance, starting with state aid received under the Arkansas Academic Challenge Scholarship under § 6-85-201 et seq.

(2) The division shall credit the excess state aid funds to the appropriate division fund or trust account.

(e) A student awarded state aid shall disclose all state aid, federal aid, and other aid to:

(1) The division if the division awards state aid to the student; and

(2) A postsecondary institution that awards state aid or other aid to the student.

History. Acts 1999, No. 1180, § 14; substituted "Division of Higher Education" for "Department of Higher Education" in (a)(1) and (a)(4); and substituted "division" for "department" throughout (c) 2010, No. 265, § 18; 2010, No. 294, § 18; 2011, No. 207, §§ 2, 3; 2013, No. 957, § 1; 2019, No. 910, §§ 2017-2021.

Amendments. The 2019 amendment through (e).

6-80-107. Transcripts — Definition.

(a)(1) As used in this section, "electronic transcript" means a student transcript that is formatted and transmitted electronically in the uniform method prescribed by the Division of Higher Education and the Division of Elementary and Secondary Education for use by public schools and institutions of higher education in this state.

(2) An Arkansas public school shall use an electronic transcript in lieu of a paper transcript to:

(A) Provide to the Division of Higher Education as necessary to process state financial aid applications for students in grades nine through twelve (9-12);

(B) Transmit a transcript between public high schools to correctly enroll and place students in grades nine through twelve (9-12) transferring between public high schools and school districts; and

(C) Transmit a transcript to the Division of Elementary and Secondary Education.

(3) An institution of higher education in this state shall use an electronic transcript in lieu of a paper transcript:

(A) As the only method of accepting a transcript from an Arkansas public school;

(B) As the only method of accepting a transcript from or sending a transcript to another institution of higher education in this state;

(C) To provide to the Division of Higher Education as necessary to process state financial aid applications for higher education students; and

(D) To transmit a transcript to the Division of Elementary and Secondary Education.

(b)(1) Except as provided under subdivision (b)(2) of this section, an institution of higher education that does not comply with this section shall not receive state financial aid on behalf of students.

(2) An institution of higher education with less than ten (10) students who receive financial aid from a program administered by the Division of Higher Education is exempt from the requirements under subsection (a) of this section and the penalty under this subsection.

(c)(1) The Division of Elementary and Secondary Education shall prescribe a uniform method of formatting and electronically transmitting transcripts, which shall be used by all kindergarten through grade eight (K-8) public elementary or middle schools in this state.

(2) A public elementary or middle school shall use an electronic transcript in lieu of a paper transcript to transmit a transcript:

(A) Between public schools as necessary to correctly enroll and place students transferring between schools and school districts; and

(B) To the Division of Elementary and Secondary Education.

History. Acts 2005, No. 2203, § 1; 2007, No. 820, § 1; 2007, No. 1573, § 41; 2013, No. 330, § 2; 2019, No. 910, § 2022.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" and "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

6-80-108. Essays for institutional scholarships.

(a) If a state-supported institution of higher education requires the completion of an essay for an institutional scholarship application, the state-supported institution of higher education shall retain the essay for at least one (1) year after it is submitted by the student.

(b) During the period of time the essay is retained by the state-supported institution of education, only the student or the parent or guardian of the student may access the essay.

History. Acts 2015, No. 1186, § 1.

CHAPTER 81

STUDENT LOANS

SUBCHAPTER.

1. GENERAL PROVISIONS. [REPEALED.]
4. UNIVERSITY OF ARKANSAS REVOLVING LOAN FUND.
6. TEACHER OPPORTUNITY PROGRAM.
7. RURAL MEDICAL PRACTICE STUDENT LOANS AND SCHOLARSHIPS.
11. FINANCING POSTSECONDARY OUT-OF-STATE EDUCATION.
12. GRADUATE NURSING PRACTICE AND NURSE EDUCATOR STUDENT LOANS AND SCHOLARSHIPS.
13. UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION GRANT PROGRAM.
14. NURSING STUDENT LOAN PROGRAM.
16. STATE TEACHER EDUCATION PROGRAM.
17. TEACHER CANDIDATE LOAN FORGIVENESS PROGRAM.
18. OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM.

SUBCHAPTER 1 — GENERAL PROVISIONS

[Repealed.]

SECTION.

6-81-101, 6-81-102. [Repealed.]
 6-81-104. [Repealed.]
 6-81-106 — 6-81-116. [Repealed.]
 6-81-118 — 6-81-120. [Repealed.]

SECTION.

6-81-122. [Repealed.]
 6-81-124 — 6-81-126. [Repealed.]
 6-81-130. [Repealed.]
 6-81-132. [Repealed.]

Effective Dates. Acts 2017, No. 824, § 19: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Student Loan Authority may be more efficiently structured; that restructuring will result in cost savings to the taxpayers of the State; and that this act is necessary because the

Arkansas Development Finance Authority is well positioned to supervise the administration of a Student Loan Authority Division. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017."

6-81-101, 6-81-102. [Repealed.]

Publisher's Notes. These sections, concerning definitions, the Arkansas Student Loan Authority, and its respective powers and duties, were repealed by Acts 2017, No. 824, § 2. The sections was derived from the following sources:

6-81-101. Acts 1977, No. 873, § 2; 1981, No. 296, § 1; 1983, No. 937, § 1; 1985, No. 429, § 1; 1985, No. 449, § 1; A.S.A. 1947, § 80-4032; Acts 1987, No. 631, § 1; 1987, No. 705, § 1; 1993, No. 1284, § 1; 1997,

No. 923, § 3; 1999, No. 1218, § 5; 2011, No. 521, § 1.

6-81-102. Acts 1977, No. 873, §§ 3, 5; 1979, No. 633, §§ 1, 2; 1985, No. 429, § 2;

1985, No. 449, § 2; A.S.A. 1947, §§ 80-4033, 80-4035; Acts 1989, No. 377, § 1; 1997, No. 250, § 39; 1997, No. 923, § 4; 1999, No. 1218, § 6; 2011, No. 521, § 2.

6-81-104. [Repealed.]

Publisher's Notes. This section, concerning rules, was repealed by Acts 2017, No. 824, § 2. The section was derived from

Acts 1977, No. 873, § 21; A.S.A. 1947, § 80-4051; Acts 2011, No. 521, § 4.

6-81-106 — 6-81-116. [Repealed.]

Publisher's Notes. These sections, concerning the financing authority, bonds, and notes, were repealed by Acts 2017, No. 824, § 2. The sections were derived from the following sources:

6-81-106. Acts 1977, No. 873, § 6; 1981, No. 296, § 2; 1983 (1st Ex. Sess.), No. 39, § 1; 1983 (1st Ex. Sess.), No. 51, § 1; 1983 (1st Ex. Sess.), No. 62, § 1; A.S.A. 1947, § 80-4036; Acts 2011, No. 521, § 6.

6-81-107. Acts 1977, No. 873, § 6; 1981, No. 296, § 2; 1983 (1st Ex. Sess.), No. 39, § 1; 1983 (1st Ex. Sess.), No. 62, § 1; A.S.A. 1947, § 80-4036; Acts 1987, No. 631, § 2; 1987, No. 705, § 2; 2011, No. 521, § 7.

6-81-108. Acts 1981, No. 762, § 1; 1983, No. 937, § 9; A.S.A. 1947, § 80-4056; Acts 2011, No. 521, § 8.

6-81-109. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; A.S.A. 1947, § 80-4036; Acts 2011, No. 521, § 9.

6-81-110. Acts 1977, No. 873, § 6; 1983,

No. 937, § 2; A.S.A. 1947, § 80-4036; Acts 2011, No. 521, § 10.

6-81-111. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; A.S.A. 1947, § 80-4036; Acts 2011, No. 521, § 11.

6-81-112. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; 1983 (1st Ex. Sess.), No. 51, § 1; A.S.A. 1947, § 80-4036; Acts 2011, No. 521, § 12.

6-81-113. Acts 1977, No. 873, § 7; 1981, No. 296, § 3; A.S.A. 1947, § 80-4037; Acts 2011, No. 521, § 13.

6-81-114. Acts 1977, No. 873, § 12; 1981, No. 296, § 5; 1985, No. 429, § 6; 1985, No. 449, § 6; A.S.A. 1947, § 80-4042; Acts 2011, No. 521, § 14.

6-81-115. Acts 1977, No. 873, § 14; 1981, No. 296, § 6; 1983, No. 937, § 4; A.S.A. 1947, § 80-4044; Acts 2011, No. 521, § 15.

6-81-116. Acts 1977, No. 873, § 20; 1981, No. 296, § 7; A.S.A. 1947, § 80-4050; Acts 2011, No. 521, § 16.

6-81-118 — 6-81-120. [Repealed.]

Publisher's Notes. These sections, concerning cash funds, refunding obligations, and obligations designated as legal and authorized investments, were repealed by Acts 2017, No. 824, § 2. The sections were derived from the following sources:

6-81-118. Acts 1977, No. 873, § 13; 1983, No. 937, § 3; 1985, No. 429, § 7;

1985, No. 449, § 7; A.S.A. 1947, § 80-4043; Acts 1987, No. 631, § 4; 1987, No. 705, § 4; 2011, No. 521, § 17.

6-81-119. Acts 1977, No. 873, § 16; 1983, No. 937, § 5; A.S.A. 1947, § 80-4046; Acts 2011, No. 521, § 18.

6-81-120. Acts 1977, No. 873, § 17; 1983, No. 937, § 6; A.S.A. 1947, § 80-4047; Acts 2011, No. 521, § 19.

6-81-122. [Repealed.]

Publisher's Notes. This section, concerning the investment of excess funds, was repealed by Acts 2017, No. 824, § 2. The section was derived from Acts 1977,

No. 873, § 18; 1979, No. 633, § 2; 1983, No. 937, § 7; 1985, No. 429, § 9; 1985, No. 449, § 9; A.S.A. 1947, § 80-4048; Acts 1993, No. 1284, § 3; 2011, No. 521, § 21.

6-81-124 — 6-81-126. [Repealed.]

Publisher's Notes. These sections, concerning student loan funds, the contractual capacity of students, and the purchase of student loan notes, were repealed by Acts 2017, No. 824, § 2. The sections were derived from the following sources:

6-81-124. Acts 1977, No. 873, § 8; 1981, No. 296, § 4; 1985, No. 429, § 3; 1985, No. 449, § 3; A.S.A. 1947, § 80-4038; Acts 1987, No. 631, § 3; 1987, No. 705, § 3; 1993, No. 1284, § 5; 2011, No. 521, § 22.

6-81-125. Acts 1977, No. 873, § 10; 1985, No. 429, § 4; 1985, No. 449, § 4; A.S.A. 1947, § 80-4040.

6-81-126. Acts 1977, No. 873, §§ 11, 15; 1985, No. 429, §§ 5, 8; 1985, No. 449, §§ 5, 8; A.S.A. 1947, §§ 80-4041, 80-4045; Acts 1993, No. 1284, § 6; 2011, No. 521, § 23.

6-81-130. [Repealed.]

Publisher's Notes. This section, concerning an annual audit, was repealed by Acts 2017, No. 824, § 2. The section was derived from Acts 1977, No. 873, § 22;

1985, No. 429, § 10; 1985, No. 449, § 10; A.S.A. 1947, § 80-4052; Acts 1987, No. 631, § 5; 1987, No. 705, § 5.

6-81-132. [Repealed.]

Publisher's Notes. This section, concerning an interest rate exchange agreement, was repealed by Acts 2017, No. 824,

§ 2. The section was derived from Acts 2011, No. 521, § 26.

SUBCHAPTER 4 — UNIVERSITY OF ARKANSAS REVOLVING LOAN FUND

SECTION.

6-81-406. Rules as to repayment.

6-81-406. Rules as to repayment.

The Board of Trustees of the University of Arkansas shall establish rules regarding the manner and time of the repayment of the note.

History. Acts 1925, No. 115, § 4; Pope's Dig., § 13177; A.S.A. 1947, § 80-2833; Acts 2019, No. 315, § 394.

Amendments. The 2019 amendment substituted "rules" for "regulations" in the section heading and in the section text.

SUBCHAPTER 6 — TEACHER OPPORTUNITY PROGRAM

SECTION.

6-81-603. Administration.

6-81-604. Conditions.

6-81-605. Grants — Priority.

6-81-607. Definitions.

SECTION.

6-81-608. Dual Licensure Incentive Program.

6-81-609. Dual licensure funding.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-81-603. Administration.

(a) The Teacher Opportunity Program shall be administered by the Division of Higher Education, which shall have the authority to establish necessary rules, procedures, and selection criteria for the administration of the program and to designate necessary forms and schedules.

(b) The division may utilize an appropriate advisory committee to assist it in its responsibilities in this program.

History. Acts 1987, No. 331, § 5; 2005, No. 2196, § 3; 2019, No. 315, § 395; 2019, No. 910, § 2023.

Amendments. The 2019 amendment by No. 315 deleted “regulations” following “rules” in (a).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a); and substituted “division” for “department” in (b).

6-81-604. Conditions.

The Division of Higher Education may make initial and continuing grants to students under the following conditions:

- (1) Grant recipients shall be bona fide residents of the State of Arkansas, as defined by the Division of Higher Education;
- (2) Grant recipients shall maintain current certification with the Division of Elementary and Secondary Education, allowing them to be employed by the public schools in Arkansas;
- (3) Grant recipients shall be currently employed as teachers or administrators in Arkansas and declare an intention to continue that employment in Arkansas;
- (4) Grant recipients shall be enrolled in an eligible accredited college or university in Arkansas;
- (5) Grant recipients shall be enrolled in college-level courses directly related to their employment as certified by the Commissioner of Elementary and Secondary Education; and
- (6) Grant recipients shall maintain a grade point average in their college work of no less than 2.5 on a 4.0 scale or maintain an appropriate equivalent as determined by the Division of Higher Education.

History. Acts 1987, No. 331, § 3; 2005, No. 2196, § 4; 2019, No. 910, § 2024.

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education” in the introductory language and in

(1) and (6); substituted “Division of Elementary and Secondary Education” for “Department of Education” in (2); and substituted “Commissioner of Elementary and Secondary Education” for “Commissioner of Education” in (5).

6-81-605. Grants — Priority.

(a)(1) The first priority for the award of funds under the Teacher Opportunity Program is the award of reimbursements for additional education in:

- (A) Science, technology, engineering, or mathematics fields;
- (B) Computer science;
- (C) Literacy or reading;
- (D) Prekindergarten education; or
- (E) Special education.

(2) If funds are available after all awards are made under subdivision (a)(1) of this section, then additional reimbursements may be made in accordance with the following:

(A) A student may receive reimbursements up to but not in excess of the cost of his or her student fees, books, and instructional supplies at the public institution of higher education in this state assessing the highest rate of student fees;

(B) The reimbursements made to one (1) student within one (1) fiscal year may not exceed the costs associated with six (6) semester credit hours or the equivalent of six (6) semester credit hours; and

(C) All other requirements established by the Division of Higher Education are met.

(b)(1) The Division of Higher Education shall determine priorities for awarding reimbursements if there are more applicants than funds available.

(2) Priorities shall be determined in coordination with the Division of Elementary and Secondary Education and shall be based on the needs of the state.

History. Acts 1987, No. 331, § 3; 2005, No. 2196, § 5; 2009, No. 1214, § 1; 2017, No. 160, § 1; 2019, No. 910, §§ 2025, 2026.

Amendments. The 2017 amendment substituted “for additional education in” for “under the Dual Licensure Incentive Program, §§ 6-81-608 and 6-81-609” in (a)(1); added (a)(1)(A) through (a)(1)(E); substituted “subdivision (a)(1) of this section” for “the Dual Licensure Incentive

Program” in (a)(2); in (a)(2)(A), substituted “A student” for “Students” and inserted “his or her”; and substituted “student” for “individual” in (a)(2)(B).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a)(2)(C) and (b)(1); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b)(2).

6-81-607. Definitions.

As used in this subchapter:

(1) “Classroom teacher” means an individual who is required to hold a teaching license from the Division of Elementary and Secondary Education and who is:

(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A media specialist or librarian;

(C) A guidance counselor; or

(D) An administrator;

(2) "Dual licensure" means licensure to teach in more than one (1) subject area; and

(3) "Student" means a classroom teacher who is attending an institution of higher education for additional education in:

(A) Science, technology, engineering, or mathematics fields;

(B) Computer science;

(C) Literacy or reading;

(D) Prekindergarten education; or

(E) Special education.

History. Acts 2005, No. 2196, § 6; 2009, No. 1214, § 2; 2017, No. 160, § 2; 2019, No. 910, § 2027. tive Program, §§ 6-81-608 and 6-81-609" in (3); and added (3)(A) through (3)(E).

Amendments. The 2017 amendment substituted "for additional education in" for "as part of the Dual Licensure Incentive Program, §§ 6-81-608 and 6-81-609" in (3); and added (3)(A) through (3)(E). The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in the introductory language of (1).

6-81-608. Dual Licensure Incentive Program.

(a) There is created the Dual Licensure Incentive Program to encourage classroom teachers currently employed by school districts in the state to return to college to obtain licensure in one (1) or more additional subject areas.

(b) The program shall be administered by the Division of Higher Education.

(c)(1) A classroom teacher returning to college as a student may receive a reimbursement not to exceed the cost of student fees, books, and instructional supplies.

(2) The student fee reimbursement amount shall be based on the student fees of the state-supported institution of higher education that assesses the highest rate of student fees in this state.

(d) The reimbursement made to a classroom teacher returning to college as a student in one (1) fiscal year may not exceed the cost associated with six (6) semester credit hours or the equivalent of six (6) semester credit hours.

History. Acts 2005, No. 2196, § 6; 2009, No. 1214, § 3; 2019, No. 910, § 2028. substituted "Division of Higher Education" for "Department of Higher Education" in (b).

Amendments. The 2019 amendment

6-81-609. Dual licensure funding.

(a)(1)(A) A classroom teacher employed by a school district in the state may receive a reimbursement from the Dual Licensure Incentive

tive Program if the classroom teacher returns to an approved institution of higher education to obtain licensure in an additional subject area:

(i) Declared to be a shortage area by the Division of Elementary and Secondary Education;

(ii) That the classroom teacher is currently teaching but for which he or she does not have a licensure; or

(iii) And grade level in which the school district has requested a waiver under § 6-17-309.

(B)(i) A reimbursement from the Dual Licensure Incentive Program shall include funding for the cost of tuition, books, and fees not to exceed three thousand dollars (\$3,000) each college year.

(ii) The amount of the reimbursement and the number of reimbursement recipients selected by the Division of Higher Education is contingent on the appropriation and availability of funding for such a purpose.

(2) To be eligible for a reimbursement under the Dual Licensure Incentive Program, the person shall be:

(A) Employed as a classroom teacher for no less than three (3) years of teaching immediately preceding the application; and

(B) Accepted for enrollment in a classroom teacher education program that will lead to a licensure to teach in a subject area that:

(i) Is different from the classroom teacher's current area of licensure; and

(ii) Either:

(a) Has been identified as a subject area with a shortage of classroom teachers as declared by the Division of Elementary and Secondary Education; or

(b) Is in the grade level and subject matter area for which the school district has requested a waiver under § 6-17-309.

(b)(1) The Arkansas Higher Education Coordinating Board shall promulgate rules as necessary to implement the Dual Licensure Incentive Program.

(2) The number of classroom teacher participants each year shall be determined by the amount of funding available for the Dual Licensure Incentive Program and the limitations set under this section.

History. Acts 2005, No. 2196, § 6; 2009, No. 1214, § 4; 2019, No. 910, §§ 2029-2031.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a)(1)(A)(i) and (a)(2)(B)(ii)(a); and substituted "Division of Higher Education" for "Department of Higher Education" in (a)(1)(B)(ii).

SUBCHAPTER 7 — RURAL MEDICAL PRACTICE STUDENT LOANS AND SCHOLARSHIPS

SECTION.

6-81-701. Definitions.

6-81-702. Arkansas Rural Medical Practice Student Loan and Scholarship Board.

6-81-708. Loan contracts — Rural Medical Practice Loans — Obligations and conditions.

SECTION.

6-81-715. Medical school graduates — Community match contract — Eligibility.

6-81-716. Medical school graduates — Community match contract — Obligations and conditions.

6-81-701. Definitions.

As used in this subchapter:

(1) "Medically underserved" means an area in Arkansas that the Arkansas Rural Medical Practice Student Loan and Scholarship Board determines has unmet needs for medical services due to factors, including without limitation:

- (A) The ratio of primary care physicians to population;
- (B) The infant mortality rate;
- (C) The percentage of:

(i) Population with incomes below the federal poverty level, as it existed on January 1, 2017;

(ii) Resident individuals sixty (60) years of age and older; and

(iii) Physicians sixty (60) years of age and older;

(D) Accessibility within the area to primary care medicine; and

(E) Other relevant criteria the board may deem necessary for a determination of unmet needs for medical services;

(2) "Primary care medicine" means health care provided in one (1) of the following areas of practice:

- (A) Family medicine;
- (B) General internal medicine;
- (C) General internal medicine and pediatrics;
- (D) General pediatrics;
- (E) General obstetrics and gynecology;
- (F) General surgery;
- (G) Emergency medicine; and
- (H) Geriatrics; and

(3) "Qualified rural community" means an area:

(A) With a population below twenty thousand (20,000) according to the most recent federal census;

(B) That is at least twenty (20) miles from a city or town with a population of more than twenty thousand (20,000) according to the most recent federal census; and

(C) That is reasonably determined by the board to be medically underserved.

History. Acts 1949, No. 131, § 9; 1955, 133, § 7; 1971, No. 533, § 7; 1972 (1st Ex. Sess.), No. 62, § 1; 1981, No. 47, § 2;

1983, No. 649, § 1; 1985, No. 797, § 1; A.S.A. 1947, § 80-2916; Acts 1987, No. 151, § 3; 1991, No. 359, § 2; 1995, No. 1114, § 1; 1995, No. 1257, § 1; 2003, No. 676, § 1; 2007, No. 1058, § 1; 2009, No. 708, § 1; 2017, No. 132, § 1.

Amendments. The 2017 amendment deleted former (1) and (2) and redesignated the remaining subsections accord-

ingly; in the first sentence of (1), substituted "an area in Arkansas that the Arkansas Rural Medical Practice Student Loan and Scholarship Board determines has" for "an area that the board determines to have"; in (1)(C)(i), substituted "January 1, 2017" for "January 1, 2007"; and rewrote (3).

6-81-702. Arkansas Rural Medical Practice Student Loan and Scholarship Board.

(a)(1) There is established the Arkansas Rural Medical Practice Student Loan and Scholarship Board that shall consist of eight (8) members appointed by the Governor for three-year terms.

(2) Vacancies shall be filled in a similar manner.

(3) The Governor shall consider a range of practice specialties and geographical areas of practice in making appointments to the board.

(4) The Dean of the College of Medicine of the University of Arkansas for Medical Sciences shall be appointed as a member and chair of the board by the Governor and subject to confirmation by the Senate.

(5) Two (2) members shall be duly qualified, licensed, and active medical practitioners and appointed by the Governor after consulting with the Arkansas Medical Society, Inc., and subject to confirmation by the Senate.

(6) One (1) member shall be a licensed practicing physician in this state and shall be appointed by the Governor after consulting with the Physician's Section of the Arkansas Medical, Dental, and Pharmaceutical Association, Inc., and subject to confirmation by the Senate.

(7) Two (2) members shall be appointed by the Governor after consulting with the Dean of the College of Medicine of the University of Arkansas for Medical Sciences and subject to confirmation by the Senate.

(8) One (1) member shall be appointed by the Governor after consulting with the Arkansas Rural Health Partnership and subject to confirmation by the Senate.

(9) One (1) member shall be appointed by the Governor after consulting with the Arkansas Hospital Association, Inc., and subject to confirmation by the Senate.

(b) The board shall:

(1) Promulgate reasonable rules necessary to execute the provisions of this subchapter, including rules addressing the requirements and in conformance with the requirements of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and other appropriate state laws in promulgating and placing rules into effect:

(A) For a health professions shortage area;

(B) To become a qualified rural community eligible to participate in the Rural Medical Practice Student Loan and Scholarship Program or the Community Match Rural Physician Recruitment Program; and

(C) For a procedure to resolve disputes arising out of or relating to a rural practice or community match loan or income incentive contract;

(2) Prescribe forms for and regulate the submission of loan applications;

(3) Determine eligibility of applicants;

(4) Allow or disallow loan or income incentive applications;

(5) Contract, increase, decrease, terminate, and otherwise regulate all loan and income incentive disbursements for these purposes, receipts for their repayment, and convert loans to scholarships or grants, as applicable;

(6) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(7) Accept gifts, grants, bequests, or devises and apply them as a part of this program;

(8) Sue and be sued as the board; and

(9) Accept moneys from federal programs that may be used for furtherance of the purposes of this subchapter.

(c) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(d) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall administer the Rural Medical Practice Student Loan and Scholarship Program and the Community Match Rural Physician Recruitment Program.

History. Acts 1949, No. 131, §§ 1-3; 1058, § 1; 2009, No. 708, § 1; 2021, No. 1971, No. 133, §§ 1-3; 1971, No. 533, 1079, § 1.
 §§ 1-3; A.S.A. 1947, §§ 80-2908 — 80-2910; Acts 1987, No. 151, § 1; 1995, No. 1114, § 2; 1997, No. 250, § 40; 2007, No.

Amendments. The 2021 amendment rewrote (a).

6-81-708. Loan contracts — Rural Medical Practice Loans — Obligations and conditions.

(a) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall enter into a loan contract with the applicant to whom a rural medical practice loan is made.

(b) The contract shall be approved by the Attorney General and shall be signed by the Chair of the Arkansas Rural Medical Practice Student Loan and Scholarship Board, countersigned by the Secretary of the Arkansas Rural Medical Practice Student Loan and Scholarship Board, and signed by the applicant.

(c) Each applicant to whom a rural medical practice loan or loans is granted by the Arkansas Rural Medical Practice Student Loan and Scholarship Board shall execute a written loan contract that incorporates the following obligations and conditions:

(1)(A) The recipient of a rural medical practice loan or loans shall bindingly contract that he or she shall practice primary care medicine full time in a qualified rural community upon completion of:

(i) His or her medical internship of one (1) year undertaken immediately following the earning of the degree of Doctor of Medicine;

(ii) Four (4) additional years of medical training beyond the internship if the training has been approved in advance by the Arkansas Rural Medical Practice Student Loan and Scholarship Board and includes practice experience in a rural community; or

(iii) At the request of the recipient of a rural medical practice loan, the Arkansas Rural Medical Practice Student Loan and Scholarship Board may approve the recipient's request to practice in more than one (1) qualified rural community to meet his or her obligation to practice full time if the Arkansas Rural Medical Practice Student Loan and Scholarship Board determines, based upon guidelines established by the Arkansas Rural Medical Practice Student Loan and Scholarship Board, that the physician need in the rural communities cannot sustain a full-time medical practice or that other compelling circumstances exist.

(B) The recipient of a rural medical practice loan or loans shall bindingly contract that for each year's loan he or she shall practice medicine in accordance with subdivision (c)(1)(A) of this section for a whole year.

(C) For each continuous whole year of medical practice, in accordance with subdivision (c)(1)(A) of this section, subject to reasonable leave periods, including without limitation vacation, sick leave, continuing medical education, jury duty, funerals, holidays, or military service, the Arkansas Rural Medical Practice Student Loan and Scholarship Board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan plus accrued interest;

(2)(A) The recipient of a rural medical practice loan or loans shall bindingly contract that not engaging in the practice of medicine in accordance with the loan contract and with this subchapter may result in suspension of his or her license to practice medicine in this state.

(B) For any contract entered into after August 1, 2007, the recipient's medical license may not be suspended unless the recipient's contract contained a specific term that loss of license was a consequence of breach and the recipient signed a written acknowledgment of understanding that the suspension of license was explained to him or her orally as a potential consequence of breach of the contractual provisions.

(C) The suspension may be for a period of years equivalent to the number of years that the recipient is obligated to practice medicine in a rural area but has not so practiced and until the loan with interest together with any civil money penalties, as reduced by each full year of medical practice according to the terms of the loan contract, is paid in full;

(3) Any communication from the University of Arkansas College of Medicine with any state medical licensing board shall include a

notation that the recipient of a rural medical practice loan has a contract with the State of Arkansas to practice medicine in a rural community and that breach of that contract may result in suspension of the recipient's Arkansas medical license;

(4)(A) In the event that any rural medical practice loan recipient under this subchapter does not engage in the practice of medicine in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

(B) Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

(C) Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

(i) Failure to remain enrolled in a medically underserved and rural practice curriculum;

(ii) Failure to remain in enrollment status continuously to completion of the degree of Doctor of Medicine for any reason other than temporary personal illness;

(iii) Failure to complete internship;

(iv)(a) Failure to engage in the full-time practice of medicine while residing in a qualified rural community in Arkansas as defined in § 6-81-701.

(b) However, the Arkansas Rural Medical Practice Student Loan and Scholarship Board may waive the residency requirement on a case-by-case basis; and

(v) Failure to establish a practice as described under subdivision (c)(4)(C)(iv)(a) of this section within six (6) months following either internship or four (4) additional years of medical education that includes practice experience in a rural community.

(D) [Repealed.]

(5) If an alternate on the waiting list for acceptance to the University of Arkansas College of Medicine enters into a rural medical practice program contract conditioned only upon the applicant's being accepted for admission to the college and otherwise meets the requirements of § 6-81-706 and if the applicant is moved to the top of the waiting list under § 6-81-718, the alternate's contract shall contain an additional term that breach of the contract may result in civil money penalties in the amount of one hundred percent (100%) of the loan amount; and

(6) This subsection shall not prohibit the Arkansas Rural Medical Practice Student Loan and Scholarship Board from considering and entering into a negotiated settlement with the rural medical practice loan recipient involving the license suspension, the amount of the civil money penalty, and the terms of repayment of the loan.

(d) The Arkansas Rural Medical Practice Student Loan and Scholarship Board may amend agreements entered into with any loan recipient at any time prior to full performance of the recipient's contractual obligations.

(e)(1) A rural medical practice loan recipient may apply to the Dean of the College of Medicine of the University of Arkansas for Medical Sciences for a waiver of the contractual provisions set forth in subdivision (c)(2) of this section.

(2)(A) If the dean as Chair of the Arkansas Rural Medical Practice Student Loan and Scholarship Board determines that exigent circumstances warrant a waiver, the loan recipient shall be notified in writing.

(B) The dean shall immediately notify the Arkansas State Medical Board of such determination.

History. Acts 1949, No. 131, §§ 8, 9; § 4; 1995, No. 1257, § 2; 2003, No. 676, 1955, No. 69, § 2; 1963, No. 181, § 1; §§ 2, 3; 2007, No. 1058, § 2; 2009, No. 1971, No. 133, § 7; 1971, No. 533, § 7; 708, § 4; 2017, No. 132, § 2; 2021, No. 1972 (1st Ex. Sess.), No. 62, § 1; 1981, No. 1079, § 2.
47, § 2; 1983, No. 649, § 1; 1985, No. 797, § 1; A.S.A. 1947, §§ 80-2915, 80-2916; **Amendments.** The 2017 amendment rewrote (c).
Acts 1987, No. 151, §§ 3, 4; 1989, No. 22, The 2021 amendment repealed § 2; 1991, No. 359, § 1; 1995, No. 1114, (c)(4)(D).

6-81-715. Medical school graduates — Community match contract — Eligibility.

(a)(1) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall administer the Community Match Rural Physician Recruitment Program.

(2)(A) Interested rural communities may apply to the Arkansas Rural Medical Practice Student Loan and Scholarship Board to participate in the program as a qualified rural community.

(B) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall approve a designated representative or representatives of the qualified rural community to assist the Arkansas Rural Medical Practice Student Loan and Scholarship Board in matters relating to any community match contracts entered into by the Arkansas Rural Medical Practice Student Loan and Scholarship Board and the qualified rural community.

(b) The Arkansas Rural Medical Practice Student Loan and Scholarship Board, in conjunction with a qualified rural community, may grant community match income incentives to applicants, each incentive being expressly made subject to § 6-81-716, if it finds that:

(1) The applicant is a graduate of:

(A) The University of Arkansas College of Medicine or any accredited medical school in the United States; or

(B) A foreign medical school if the applicant:

(i) Was a resident of Arkansas and citizen of the United States prior to enrollment in the foreign medical school; and

- (ii) Has been licensed by the Arkansas State Medical Board;
- (2) The applicant satisfies one (1) of the following criteria:
 - (A) He or she is enrolled in a residency or other training program in an area of primary care medicine; or
 - (B) No more than two (2) years before the date of the application, he or she completed a residency or other training program in an area of primary care medicine;
- (3) The applicant desires to practice medicine in the qualified rural community; and
- (4) The designated representative or representatives of the qualified rural community approve the applicant.

History. Acts 1995, No. 1114, § 6; 2007, No. 1058, § 6; 2009, No. 708, § 5; 2017, No. 132, § 3.

Amendments. The 2017 amendment deleted “for community match loans” fol-

lowing “Eligibility” at the end of the section heading; substituted “Arkansas Rural Medical Practice Student Loan and Scholarship Board” for “board” throughout; and rewrote (b).

6-81-716. Medical school graduates — Community match contract — Obligations and conditions.

(a)(1) The Arkansas Rural Medical Practice Student Loan and Scholarship Board and a qualified rural community shall enter a joint community match contract with the applicant.

(2) The form of the community match contract shall be approved by the Attorney General and shall be signed by the Chair of the Arkansas Rural Medical Practice Student Loan and Scholarship Board, the Secretary of the Arkansas Rural Medical Practice Student Loan and Scholarship Board, the designated representative or representatives of the qualified rural community, and the applicant.

(b) Each applicant to whom a community match income incentive is granted by the board shall execute a written contract that shall incorporate the following obligations and conditions:

(1)(A) The recipient of a community match income incentive shall bindingly contract that he or she shall practice primary care medicine full time in the contracting qualified rural community for a period of four (4) years.

(B)(i) The recipient shall receive the income incentive funds according to a disbursement schedule acceptable to the board, the qualified rural community, and the recipient as set forth in writing in the community match contract.

(ii) For each three-month period of full-time medical practice by the recipient, according to the terms of the community match contract, the board and the qualified rural community shall award one-fourth ($\frac{1}{4}$) of the income incentive for the year of service;

(2)(A) If any recipient does not begin or ceases the full-time practice of medicine in breach of the community match contract or otherwise breaches the community match contract, the recipient shall pay twenty thousand dollars (\$20,000) for each uncompleted full year of the four-year contract term, and any civil money penalties that apply.

(B) The board may impose civil money penalties of up to fifty percent (50%) of the principal amount of the income incentive under the terms of the community match contract as a consequence of breach; and

(3) Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces or state active duty in the Arkansas National Guard.

(c) Subsection (b) of this section does not prohibit the board from considering and entering into a negotiated settlement with the income incentive recipient involving the terms of repayment of amounts paid under the terms of the community match contract.

(d) Community match contracts may be amended at any time before the income incentive has been paid in full or terms and conditions of the contract are satisfied.

(e) The board shall promulgate rules setting forth additional terms and conditions of community match contracts.

History. Acts 1995, No. 1114, § 6; 2003, No. 676, § 4; 2005, No. 1682, § 1; 2007, No. 1058, § 6; 2009, No. 708, § 5; 2017, No. 132, § 4; 2019, No. 462, § 1.

Amendments. The 2017 amendment deleted (a)(1)(B) and redesignated (a)(1)(A) as (a)(1); deleted “or, if approved by the board, he or she shall practice a designated specialty full time in the contracting qualified rural community for a period of four (4) years” following “years” at the end of (b)(1)(A); in (b)(2)(A), inserted “community match” before the first occurrence of “contract”, substituted “community match contract” for “loan contract”, and substituted “pay twenty thousand dollars (\$20,000) for each uncompleted full year of the four-year

contract term” for “repay all unearned income paid under the terms of the contract, any actual costs paid by the community in reliance for the income-incentive-recipient’s agreement to practice full time in that community”; in (b)(3), substituted “Neither interest nor the obligation to repay the principal sums accrued shall accrue during” for “No interest shall accrue, nor obligation to repay the principal sums accrued, during”; deleted (b)(4); substituted “Community match contracts” for “Community match loan contracts” in (d); and made stylistic changes.

The 2019 amendment added “or state active duty in the Arkansas National Guard” in (b)(3).

SUBCHAPTER 11 — FINANCING POSTSECONDARY OUT-OF-STATE EDUCATION

SECTION.

- 6-81-1101. Tuition assistance for certain professional schools — Definitions.
- 6-81-1103. Repayment of out-of-state tuition paid by the State of Arkansas.

SECTION.

- 6-81-1105. Veterinary medicine loans — Definitions.
- 6-81-1106. Student loan repayment — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of

certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of

the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1101. Tuition assistance for certain professional schools — Definitions.

(a) The Division of Higher Education shall institute a program of making grants for the benefit of Arkansas residents to assist in paying tuition for attending certain accredited schools of dentistry, optometry, veterinary medicine, podiatry, or chiropractic located outside the State of Arkansas but within the United States.

(b) In addition to the Southern Regional Education Compact program for which the Arkansas Higher Education Coordinating Board serves as agent for the state and for which the division serves as disbursing agent pursuant to §§ 6-4-104 — 6-4-107, the Arkansas Higher Education Coordinating Board is authorized to enter into direct contracts with selected accredited schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy which do not participate in the program if the Arkansas Higher Education Coordinating Board determines that the needs of the state are not being met by institutions participating in the program.

(c) For purposes of this section:

(1) "Grant" means a payment of tuition money made in accordance with this section to assist a qualified grantee in attending participating accredited schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy located outside the State of Arkansas;

(2) "Participating institution" or "participating school" means a professional or graduate school that:

(A) Is located outside the State of Arkansas but within the United States;

(B) Offers a full-time course of instruction in dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy;

(C) Is accredited by an accrediting entity acceptable to the applicable licensing board of the profession;

(D) After completion of such course of instruction, grants a degree acceptable to the applicable licensing board as the sole requirement or as one (1) requirement for the applicable licensing board's granting of a professional license; and

(E) Is a party to a currently effective written agreement between the participating institution and the division or the Southern Regional Education Board; and

(3) "Qualified grantee" means a student who:

(A) Is a resident of the State of Arkansas;

(B) Has been accepted for enrollment at or is attending a participating accredited school of dentistry, optometry, veterinary medicine, podiatry, osteopathy, or chiropractic located outside the State of Arkansas; and

(C) Has been certified under § 6-4-106 by the division as qualified to participate in the grant program authorized by this section and consistent with § 6-4-106.

(d)(1) For participating schools that charge different annual tuition amounts for in-state students and out-of-state students, the amount of the grant will be the difference between the in-state tuition and the out-of-state tuition. However, should the differential exceed the contract price approved for similar programs by the Southern Regional Education Board in accordance with § 6-4-105(c), the lower amount will be paid.

(2) For participating schools which charge the same amount of annual tuition for in-state and out-of-state students and such annual tuition is extraordinary as determined by the division, the amount shall not be less than five thousand dollars (\$5,000) per student.

(e)(1) The program shall be administered by the division.

(2) The grants shall be made upon such terms and conditions as are prescribed by the division.

(3) The division shall promulgate such rules as are necessary to implement the provisions of this section.

(f)(1) The division will allocate, based upon funds appropriated, the number of eligible grant recipients to receive funds at each participating institution for each applicable academic period.

(2) Each participating institution will select eligible grant recipients for each applicable academic period. In the event that the number of eligible students accepted for enrollment at such participating institution exceeds the number of eligible grant recipients for whom funds have been allocated by the division from funds appropriated, such participating institution shall have sole discretion in selecting the eligible students to designate as eligible grant recipients.

(3) The division shall make grants according to the allocations made by the division and selections made by the participating institutions. The division shall have no obligation to make any grants except to the extent that funds have been appropriated and funded for the program.

History. Acts 1993, No. 1259, § 6; 1997, No. 923, § 1; 1999, No. 1218, § 7; 2017, No. 1008, § 1; 2019, No. 315, § 396; 2019, No. 910, §§ 2032-2037.

Amendments. The 2017 amendment substituted "podiatry or chiropractic" for "podiatry, chiropractic, or osteopathy" in (a).

The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (e)(3).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a); substituted "division" for "department" throughout the section; and substituted "Southern Regional Education Board" for "Board of Control for Southern Regional Education" in (c)(2)(E).

6-81-1103. Repayment of out-of-state tuition paid by the State of Arkansas.

(a) The Division of Higher Education may provide loans from the Budget Stabilization Trust Fund in excess of the Southern Regional Education Board grant funds to dental students enrolled in professional programs outside the state for whom any part of the out-of-state tuition is paid by the State of Arkansas if the tuition paid to the out-of-state institution exceeds the board-contracted rate.

(b) The amount of the loans in excess of the board grant funds may be the amount of the out-of-state tuition paid by the student, but the amount of the loan may not exceed the amount by which the tuition exceeds the rate established by the board.

(c) The loans shall be made on an annual basis not to exceed the combined total of four (4) years.

(d) The loans may be forgiven at the rate of one (1) year's loan for one (1) year's practice in Arkansas.

(e) Repayment of the loan may be deferred but for no longer than five (5) years, for the following reasons:

(1) Military service;

(2) Specialty training; or

(3) Extraordinary circumstances as determined by the division.

(f) The loans shall be made at a rate of interest determined by the division but not to exceed four percent (4%).

History. Acts 2003, No. 1715, § 1; Acts 2019, No. 910, §§ 2038-2040.

Amendments. The 2019 amendment, in (a), substituted "Division of Higher Education" for "Department of Higher

Education" and "Southern Regional Education Board" for "Board of Control for Southern Regional Education"; and substituted "division" for "department" in (e)(3) and (f).

6-81-1105. Veterinary medicine loans — Definitions.

(a) As used in this section:

(1) "Food animal" means bovine, porcine, ovine, camelid, cervid, poultry, and any other species determined by the State Veterinarian;

(2) "Food supply veterinary medicine" means all aspects of veterinary medicine's involvement in food supply systems, from traditional agricultural production to consumption;

(3) "Loan repayment" means a payment made to a recipient upon completion of yearly requirements;

(4) "Participating institution" means the College of Veterinary Medicine of Mississippi State University;

(5) "Practice of food supply veterinary medicine" means a corporate or private veterinary practice with a minimum of thirty percent (30%) of the practice devoted to food animal medicine or mixed animal medicine located in rural areas; and

(6) "Qualified recipient" means a student who:

(A) Is a resident of the State of Arkansas;

(B) Has completed a veterinarian medicine degree program at a participating institution;

(C) Is licensed to practice veterinary medicine in Arkansas; and

(D) Has been certified under § 6-4-106 by the Division of Higher Education as qualified to participate in the loan repayment program authorized by this section and consistent with § 6-4-106.

(b) The division shall institute a loan repayment program to:

(1) Benefit Arkansas residents; and

(2) Assist with the repayment of federal student loans for students that attended a participating institution and completed the requirements for loan repayment.

(c)(1) The division shall administer the program.

(2)(A) The division shall adopt rules to implement this section and address the terms and conditions of loan repayments made under this section.

(B) The terms of the loan repayment shall include without limitation:

(i) A requirement to practice food supply veterinary medicine for five (5) consecutive years; and

(ii) Conditions for loan repayment under § 6-81-1106.

(C) The loan repayment amount shall not exceed the amount of tuition assistance provided under the Southern Regional Education Compact program.

(d) The division shall:

(1) Allocate the number of qualified recipients to receive loan repayment based on the amount of funds appropriated;

(2) Determine the necessary procedures for awarding the loan repayments if the number of eligible applicants and recipients exceeds the funding available; and

(3)(A) Distribute loan repayments according to the allocations made by the division.

(B) The division shall not be obligated to make a loan repayment unless funds are appropriated.

History. Acts 2011, No. 881, § 1; 2019, No. 910, §§ 2041-2046.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a)(6)(D); and substituted "division" for "department" throughout the section.

6-81-1106. Student loan repayment — Definitions.

(a) As used in this section:

(1) "Food animal" means bovine, porcine, ovine, camelid, cervid, poultry, and any other species determined by the State Veterinarian;

(2) "Food supply veterinary medicine" means all aspects of veterinary medicine's involvement in food supply systems, from traditional agricultural production to consumption; and

(3) "Practice of food supply veterinary medicine" means a corporate or private veterinary practice with a minimum of thirty percent (30%)

of the practice devoted to food animal medicine or mixed animal medicine located in rural areas.

(b) The Division of Higher Education shall repay federal student loans yearly for a maximum of five (5) consecutive years if the recipient:

(1) Practices food supply veterinary medicine in Arkansas within ninety (90) days after completion of:

(A) The professional degree program for which the loan was made;

(B) An internship program; or

(C) The professional degree program for which the loan was made and an internship program; and

(2) Maintains the practice of food supply veterinary medicine in Arkansas for a minimum of one (1) year for each year of loan repayment up to five (5) years with all five (5) years consecutive.

(c) A recipient who fails to satisfy the obligation to engage in the practice of food supply veterinary medicine for one (1) year in a five-consecutive-year period shall not receive the loan repayment amount.

(d) The obligation to engage in the practice of food supply veterinary medicine for a five-consecutive-year period shall be postponed during any:

(1) Period of temporary medical disability if the recipient is unable to practice veterinary medicine;

(2) Period of military service under § 6-61-112; or

(3) Other period of postponement agreed to by the division.

(e) The division shall adopt rules to administer this section.

History. Acts 2011, No. 881, § 1; 2019, No. 910, §§ 2047-2049.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in the introductory language of (b); and substituted "division" for "department" in (d)(3) and (e).

SUBCHAPTER 12 — GRADUATE NURSING PRACTICE AND NURSE EDUCATOR STUDENT LOANS AND SCHOLARSHIPS

SECTION.

6-81-1201. Definitions.

6-81-1202. Graduate Nurse Educator Loan and Scholarship Board.

6-81-1203. Graduate nursing students — Eligibility for rural advanced nursing practice and nurse educator loans.

SECTION.

6-81-1204. Graduate nursing students — Rural advanced nursing practice or nurse educator loan contracts — Obligations and conditions.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1201. Definitions.

As used in this subchapter:

(1)(A) "Advanced nursing practice" means advanced nursing care provided in one (1) of the following areas of practice:

- (i) Family practice nursing;
- (ii) Pediatric nursing;
- (iii) Women's health nursing;
- (iv) Nurse midwifery;
- (v) Gerontology nursing;
- (vi) Adult nursing;
- (vii) Nurse anesthesia;
- (viii) Nursing administration;
- (ix) Psychiatric or mental health nursing;
- (x) Acute care nursing;
- (xi) Community or public health nursing; or
- (xii) Nursing education.

(B)(i) "Advanced nursing practice" occurs in the context of practice by a registered nurse who has:

(a) Completed a master's or doctoral nursing education program; and

(b) Met the requirements for:

- (1) National certification;
- (2) Teaching in an Arkansas-accredited school of nursing; and
- (3) Serving as a nurse administrator in an Arkansas complex healthcare agency.

(ii) "Advanced practice nursing" includes the roles of:

- (a) Clinical nurse specialist;
- (b) Nurse practitioner;
- (c) Nurse administrator;
- (d) Nurse educator;
- (e) Nurse midwife; and
- (f) Nurse anesthetist;

(2) "Arkansas school of nursing" means any school or school's department of nursing located in Arkansas;

(3) "Board" means the Graduate Nurse Educator Loan and Scholarship Board;

(4) "Complex Arkansas healthcare agency" means any hospital, long-term-care facility, large hospital-based clinic, large medical practice, or the Department of Health;

(5) "Department of Health" means the Department of Health and any of Arkansas's public health units;

(6) "Master's or doctoral nursing education program" means an Arkansas nursing education program located in an Arkansas public or private institution of higher education that has a master's or doctoral nursing program accredited by a recognized national nursing accreditation organization or a doctor of philosophy in nursing program accredited by the North Central Association of Colleges and Schools;

(7) "Nurse administrator" means a student enrolled in an Arkansas master's nursing education program or doctoral program who will serve as a nurse administrator in an Arkansas healthcare agency, including, but not limited to:

- (A) A hospital;
- (B) A long-term-care facility;
- (C) A large hospital-owned clinic; or
- (D) A large medical clinic;

(8) "Nurse educator" means a student enrolled in an Arkansas master's nursing education program or doctoral nursing education program who will prepare to teach nursing in an Arkansas school of nursing; and

(9) "Rural community" means a community within a health professions shortage area, as determined by the board, or a community having a population of no more than fifteen thousand (15,000) persons according to the most recent federal census taken prior to the execution of the loan contract or the most recent federal census taken prior to the time the recipient of the loan or loans shall be required to practice full time in such a community as provided in §§ 6-81-1204 and 6-81-1206 [repealed].

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 1; 2001, No. 787, § 1; 2005, No. 1468, § 1; 2017, No. 753, § 1. **Amendments.** The 2017 amendment inserted "or doctoral" in (6).

6-81-1202. Graduate Nurse Educator Loan and Scholarship Board.

(a) There is established the Graduate Nurse Educator Loan and Scholarship Board composed of:

(1) The dean, chair, or director of each of the accredited graduate nursing programs in the state that offers a nurse practitioner/clinical nurse specialist, nurse midwife, nurse anesthetist, or nursing administration graduate preparation or preparation for nurse educators at the master's or doctoral levels;

(2) The President of the Council of Nurse Administrators of Nursing Education Programs in Arkansas;

(3) The President of the Arkansas State Board of Nursing or the president's designee;

(4) The Secretary of the Department of Health or the secretary's designee; and

(5) One (1) consumer, to be appointed by the Governor.

(b) The board shall:

(1) Promulgate reasonable rules as may be necessary to execute the provisions of this subchapter, including rules addressing:

(A) The requirements for ensuring a pool of advanced nursing practitioners to serve the state with a priority on health professions shortage areas;

(B) The requirements for an Arkansas school of nursing;

(C) The requirements for a community having a population of no more than fifteen thousand (15,000) persons according to the most recent census;

(D) The requirements of the Department of Health;

(E) The establishment of a minimum scholastic standing which a baccalaureate or master's nursing graduate must have achieved and the academic or scholastic standing a student must maintain in an accredited school of nursing in this state as a condition of receiving scholarship funds or financial aid under the provisions of § 6-81-1208 [repealed];

(F) The establishment of standards for a determination of the financial needs of the applicant for scholarship funds or financial aid under § 6-81-1208 [repealed], including the ability of the applicant or the spouse or the parents or guardian of the applicant to furnish a part of the funds necessary to pay the expenses of the applicant while attending a school of nursing; and

(G) All matters relating directly to the agreement for providing these scholarship funds or financial aid, including the terms and conditions of providing financial aid to the student and relating to the obligation of the recipient of financial aid to engage in the nursing profession in a rural community or as a nurse educator in an Arkansas school of nursing;

(2) Prescribe forms for and regulate the submission of applications for financial assistance;

(3) Determine eligibility of applicants;

(4) Allow or disallow applications for financial assistance;

(5) Contract, increase, decrease, terminate, and otherwise regulate all grants for this purpose and receipt for their repayment and convert loans to scholarships;

(6) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(7) Accept gifts, grants, and bequests or devises and apply them as a part of this program;

(8) Sue and be sued as the board; and

(9) Accept moneys from federal programs which may be used for furtherance of the purposes of this subchapter.

(c) The members of the board may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1995, No. 911, § 1; 1997, No. 250, § 41; 1999, No. 1311, § 2; 2001, No. 787, § 2; 2005, No. 1468, § 2; 2019, No. 315, § 397; 2019, No. 910, § 4853.

Amendments. The 2019 amendment by No. 315, in the introductory language of (b)(1), deleted "and regulations" following the first occurrence of "rules", and

substituted the second occurrence of "rules" for "regulations".

The 2019 amendment by No. 910 substituted "Secretary" for "Director" and "secretary's" for "director's" in (a)(4).

6-81-1203. Graduate nursing students — Eligibility for rural advanced nursing practice and nurse educator loans.

(a) The Graduate Nurse Educator Loan and Scholarship Board may make advanced nursing practice or nurse educator loans to an applicant, each advanced nursing practice or nurse educator loan being expressly made subject to the provisions of § 6-81-1204 if it finds that:

(1) The applicant is a bona fide resident of Arkansas;

(2) The applicant has been accepted for admission to or is enrolled in good standing in an accredited master's or doctoral nursing program or doctor of philosophy in nursing program in the state leading to a graduate degree in nursing;

(3) The applicant is or will be a full-time or a part-time graduate student;

(4) The applicant needs financial assistance to complete his or her nursing studies;

(5) The applicant desires to practice advanced nursing practice in an Arkansas community or teach nursing in an Arkansas school of nursing; and

(6) The applicant is a person of good moral character and one who has the talent and capacity to profit by graduate nursing studies.

(b)(1) Subject to the availability of funds, an initial rural advanced nursing practice or nurse educator loan for one (1) academic year shall be renewable annually for the number of years required to complete studies leading to a master's in nursing or doctor of philosophy in nursing degree, not to exceed the maximum amount specified in § 6-81-1204.

(2) All subsequent rural advanced nursing practice or nurse educator loans shall be granted only upon application by the recipient and a finding by the board that:

(A) The applicant has completed successfully the advanced nursing studies of the preceding academic year and remains in good standing as an enrolled student in an accredited master's program or a doctor of philosophy in nursing program in the state;

(B) The applicant continues to be a resident of Arkansas; and

(C) The applicant's financial situation continues to warrant financial assistance made under the conditions of this section.

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 3; 2001, No. 787, § 3; 2005, No. 1468, § 3; 2017, No. 753, § 2.

Amendments. The 2017 amendment inserted "or doctoral" in (a)(2).

6-81-1204. Graduate nursing students — Rural advanced nursing practice or nurse educator loan contracts — Obligations and conditions.

(a)(1)(A) The maximum amount of each master's rural advanced nursing practice or nurse educator loan for full-time applicants shall not exceed eight thousand dollars (\$8,000) per academic year.

(B) The maximum amount of each Doctor of Philosophy in nursing loan for full-time applicants shall not exceed twenty thousand dollars (\$20,000) per academic year.

(C) Loans for part-time applicants shall be prorated as determined by the Graduate Nurse Educator Loan and Scholarship Board.

(2)(A) The maximum number of years a master's recipient may receive funding shall not exceed two (2) years or four (4) regular academic semesters of full-time enrollment or four (4) years or eight (8) regular academic semesters of part-time enrollment.

(B) The maximum number of years a doctoral recipient may receive funding shall not exceed four (4) years or eight (8) regular academic semesters of full-time enrollment or six (6) years or twelve (12) regular academic semesters of part-time enrollment.

(b)(1) The board shall enter a loan contract with the applicant to whom a rural advanced nursing practice or nurse educator loan is made.

(2) The rural advanced nursing practice or nurse educator loan contract shall be approved by the Attorney General and shall be signed by the Chair of the Graduate Nurse Educator Loan and Scholarship Board and the applicant.

(c) Each applicant to whom an advanced nursing practice or nurse educator loan or loans is granted by the board shall execute a written loan contract which shall incorporate the following obligations and conditions:

(1)(A)(i) The recipient of an advanced nursing practice or nurse educator loan or loans shall bindingly contract that, upon completion of his or her graduate degree in nursing and upon national certification as a nurse practitioner, nurse anesthetist, nurse midwife, clinical nurse specialist, or nursing supervisor in the case of recipients of advanced nursing practice loans, he or she shall practice as an advanced nursing practitioner full time in an Arkansas rural community or the Department of Health.

(ii) In the case of the nurse educator recipient, he or she shall teach full time during the academic year in an Arkansas school of nursing or as a nurse administrator or work as a nursing administrator in an Arkansas complex healthcare agency for one (1) year.

(B) For each continuous whole calendar year of advanced nursing or academic calendar year for teaching or calendar year for nursing administration in accordance with subdivision (c)(1)(A) of this section, the board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan, plus accrued interest; and

(2)(A) In the event that any advanced nursing practice or nurse educator loan recipient under this subchapter does not engage in the practice of advanced nursing practice, teach in an Arkansas school of nursing, or serve as a nursing administrator in an Arkansas complex healthcare agency in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received together with interest thereon at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

(B) No interest shall accrue nor obligation to repay the principal sums accrued during any period of time that the recipient involuntarily serves on active duty in the United States Armed Forces or state active duty in the Arkansas National Guard.

(C) Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

(i) Failure to remain enrolled continuously and in good academic standing to completion of a graduate nursing degree for any reason other than temporary personal illness;

(ii)(a) Failure to practice as an advanced nursing practitioner on a regularly sustained basis while residing in an Arkansas community or working in a Department of Public Health unit, as defined in § 6-81-1201, or failure to serve as a nursing faculty member in an Arkansas school of nursing or serve as a nursing administrator in an Arkansas complex healthcare agency.

(b) However, the board may waive the residency requirement on a case-by-case basis; or

(iii) Failure to establish an advanced nursing practice within six (6) months following graduation from an accredited graduate nursing program or within six (6) months after receiving national certification, whichever is later, or failure to assume a nurse faculty position in an Arkansas school of nursing or to assume a nursing administrator position in an Arkansas complex healthcare agency within six (6) months following graduation unless otherwise deferred by approval of the board.

(D) In the event of the death of the recipient, all loans unpaid shall be due and payable.

(d) The board may amend agreements entered into with any student who is currently enrolled as a graduate nursing student as approved by the board pursuant to this section.

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 4; 2001, No. 787, § 4; 2005, No. 1468, § 4; 2019, No. 462, § 2.

Amendments. The 2019 amendment added “or state active duty in the Arkansas National Guard” in (c)(2)(B).

SUBCHAPTER 13 — UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION GRANT PROGRAM

SECTION.

6-81-1301. Program established — Purpose — Administration.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1301. Program established — Purpose — Administration.

(a) There is established the University Assisted Teacher Recruitment and Retention Grant Program within the Division of Higher Education.

(b) The purpose of the program shall be to attract qualified teachers to the Mississippi Delta and those geographical areas of the state where there exists a critical shortage of teachers by making available scholarships to persons working toward a Master of Education degree at an institution of higher education whose teacher education program is approved by the Arkansas Higher Education Coordinating Board.

(c)(1) Any institution of higher education in the State of Arkansas which offers a Master of Education degree may apply to the Division of Higher Education for participation in the program.

(2) Under the program, participating institutions shall collaborate with the Division of Elementary and Secondary Education to identify, recruit, and place teacher education graduates, from both within the state and out of state, in school districts situated within those areas of the state where there exists a critical shortage of teachers, as designated by the Division of Elementary and Secondary Education.

(d)(1) The Division of Higher Education shall provide funds to participating institutions of higher education for the purpose of awarding scholarships to qualified persons pursuing a Master of Education degree at participating institutions while rendering service to the state as a licensed teacher in a school district in a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education.

(2) The financial scholarship shall be two thousand dollars (\$2,000) per year.

(e) As a condition for approval to participate in the program, the institution of higher education shall agree to classify teachers who relocate within Arkansas from out of state in order to participate in the program as residents of the state for tuition purposes.

(f)(1) Students awarded financial scholarships under the program may receive the awards for a maximum of four (4) school years.

(2) The maximum number of awards which may be made shall not exceed the length of time required to complete the number of academic hours necessary to obtain a Master of Education degree.

(g) Financial scholarships under the program shall not be based upon an applicant's eligibility for financial aid.

(h)(1) Persons relocating to a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, to participate in the program shall be eligible for reimbursement from the State Board of Education for all or part of their moving expenses to the critical teacher-shortage area.

(2) The Division of Higher Education shall promulgate rules necessary for the administration of the relocation expense reimbursement component of the program.

(i) Subject to the availability of funds, the State Board of Education may provide for professional development and support services as may be necessary for the retention of teachers participating in the program in those geographical areas of the state where there exists a critical shortage of teachers.

(j) Any person participating in the program who fails to complete a program of study that will enable that person to obtain a Master of Education degree shall become liable immediately to the State Board of Education for the sum of all awards made to that person under the program, plus interest accruing at the current Stafford Loan rate at the time the person abrogates participation in the program.

(k) As a condition for participation in the program, a teacher shall agree to employment as a licensed teacher in a school district located in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for a period of not less than three (3) years, which shall include those years of service rendered while obtaining the Master of Education degree or Educational Specialist degree.

(l)(1)(A) Students receiving an award from the program shall execute a note made payable to the Division of Higher Education for an amount equal to the award each semester that shall bear interest at the rate of ten percent (10%) per year beginning September 1 after completion of the program or immediately after termination of the student's participation in the program, whichever is earlier.

(B) Students in the program who receive reimbursement for moving expenses under subsection (h) of this section shall execute a note made payable to the Division of Elementary and Secondary Educa-

tion for an amount equal to the reimbursement that shall bear interest at the rate of ten percent (10%) per year.

(2) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the note's terms for the sum of all awards made to that person less the corresponding amount of any awards for which service has been rendered.

(3) Any person failing to complete his or her teaching obligation, as required under subsection (k) of this section, shall begin repaying the notes according to the notes' terms for the sum of all awards made to that person less the corresponding amount of any awards for which service has been rendered, except in the case of a deferral of debt for cause approved by the State Board of Education if there is no employment position immediately available upon a teacher's completion of licensure requirements.

(4) After the period of the deferral, the person shall begin or resume teaching duties as required under subsection (k) of this section or shall become liable on the note under this subsection. If a claim for payment of a note is placed into the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(5) The obligations made by the recipient of a program award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

(m) All funds received by the Division of Elementary and Secondary Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited into the fund that provides funding for the program.

(n) The Division of Higher Education shall promulgate rules necessary for the proper administration of the program.

(o) The requirements of this section are contingent on the funding available for the program.

(p) The Division of Higher Education is authorized to determine the necessary procedures for the awarding of grants should the number of eligible applicants and recipients exceed the funds available.

History. Acts 2001, No. 1550, § 1; 2019, No. 315, § 398; 2019, No. 910, §§ 2050-2055.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (h)(2).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" and "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

SUBCHAPTER 14 — NURSING STUDENT LOAN PROGRAM

SECTION.

6-81-1405. Amount of loans — Maximum.

6-81-1411. Repayment — Interest.

Effective Dates. Acts 2021, No. 769, § 60: July 1, 2021. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2021 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of

the legislative session, the delay in the effective date of this Act beyond July 1, 2021 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2021."

6-81-1405. Amount of loans — Maximum.

(a) The Arkansas State Board of Nursing may make a loan to any applicant in an amount calculated to pay the applicant's tuition, maintenance, and other education expenses while he or she is enrolled in a program of nursing education as described in this subchapter.

(b) The total of the loans made to any one (1) student under this subchapter shall not exceed forty thousand dollars (\$40,000).

History. Acts 2003, No. 84, § 8; 2009, No. 9, § 4; 2021, No. 769, § 55. substituted "forty thousand dollars (\$40,000)" for "twenty thousand dollars

Amendments. The 2021 amendment (\$20,000)" in (b).

6-81-1411. Repayment — Interest.

(a) A recipient of a loan under this subchapter shall repay each loan together with interest at the maximum rate allowed by Arkansas law if the recipient:

(1) Ceases to be enrolled in good standing in a recognized school of nursing before completing the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator;

(2) For the period specified by rule of the Arkansas State Board of Nursing upon completion of the education requirements to qualify as a registered nurse, licensed practical nurse, or nursing educator does not:

(A) Teach in a nursing education program in the State of Arkansas;

or

(B) Engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas; or

(3) Fails to comply with any other requirement of this subchapter.

(b) Interest shall accrue from the date each payment of funds was received by the recipient.

(c) No interest shall accrue and no obligation to repay a loan exists during any period of time that the recipient of the loan serves on active duty in the United States Armed Forces or state active duty in the Arkansas National Guard.

(d) If repayment of a loan is required, upon the death of the recipient of the loan all unpaid principal and interest is due and payable.

(e) The failure to repay a loan as specified in this section may be considered unprofessional conduct for disciplinary purposes.

History. Acts 2003, No. 84, § 12; 2009, No. 9, § 8; 2019, No. 462, § 3. added "or state active duty in the Arkansas National Guard" in (c).

Amendments. The 2019 amendment

SUBCHAPTER 16 — STATE TEACHER EDUCATION PROGRAM

SECTION.

6-81-1602. Definitions.

6-81-1604. Administration of the program.

SECTION.

6-81-1605. Eligibility.

6-81-1606. Duration — Amount.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1602. Definitions.

As used in this subchapter:

(1) "Approved institution" means a state-supported institution of higher education, a nursing school, or a private nonprofit institution of higher education that:

(A) Maintains its primary headquarters in the state;

(B) Is eligible to receive Title IV federal student aid program funds; and

(C) Is approved by the Division of Higher Education as eligible to participate in the State Teacher Education Program;

(2) "Eligible student" means a student who:

(A) Meets the criteria set out in this subchapter; and

(B) Is found to be eligible by rules promulgated by the Division of Higher Education; and

(3) "Teacher education program" means a program administered by the Division of Higher Education that provides loan repayments to a licensed teacher who teaches in a subject area or a geographic area with teacher shortage as determined by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education.

History. Acts 2009, No. 1215, § 3; 2019, No. 910, § 2056.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Educa-

tion” throughout the section; and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (3).

6-81-1604. Administration of the program.

(a) The State Teacher Education Program shall be administered by the Division of Higher Education.

(b) The division shall adopt standards for awarding the loan repayments to a public school teacher with an Arkansas teacher’s license teaching in a:

(1) Subject area with a teacher shortage; or

(2) Geographic area with teacher shortage.

(c) The requirements of this subchapter are contingent on the funding available for the program.

(d) The division may determine the necessary procedures for awarding the loan repayments if the number of eligible applicants and recipients exceeds available funding.

History. Acts 2009, No. 1215, § 3; 2019, No. 910, § 2057.

Amendments. The 2019 amendment substituted “Division of Higher Educa-

tion” for “Department of Higher Education” in (a); and substituted “division” for “department” in the introductory language of (b) and in (d).

6-81-1605. Eligibility.

To be eligible for the State Teacher Education Program, an applicant shall:

(1) Teach full-time at a public school district in a subject area or geographic area with a teacher shortage, as identified by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education;

(2) Hold a valid Arkansas teacher’s license; and

(3)(A) Meet additional continuing eligibility criteria established by the Division of Higher Education.

(B) An individual who has earned a teaching license upon the successful completion of an alternative educator preparation program is an eligible student under this section.

History. Acts 2009, No. 1215, § 3; 2019, No. 603, § 1; 2019, No. 910, § 2058.

Amendments. The 2019 amendment by No. 603 added the (3)(A) designation and added (3)(B).

The 2019 amendment by No. 910 substituted “Division of Higher Education”

for “Department of Higher Education” in (1) and (3); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (1).

6-81-1606. Duration — Amount.

(a) The State Teacher Education Program shall be used to provide a loan repayment for federal student loans in the amount of:

(1) Three thousand dollars (\$3,000) per year for a maximum of three (3) years for a licensed teacher who graduated from a teacher education program after April 2004 and teaches in a public school in this state or successfully completed an alternative educator preparation program after April 2004 and teaches in a public school in the State Teacher Education Program:

(A) In a subject area designated by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education as having a critical shortage of teachers; or

(B) Located in a geographical area of the state designated by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education as having a critical shortage of teachers; and

(2) An additional one thousand dollars (\$1,000) per year for a maximum of three (3) years for a licensed teacher who:

(A) Is a minority;

(B) Either:

(i) Graduated from a teacher education program after April 2004;

or

(ii) Successfully completed an alternative educator preparation program; and

(C) Teaches in a public school in this state.

(b) The Division of Higher Education may spend no more than fifty thousand dollars (\$50,000) annually for costs associated with the administration of the State Teacher Education Program.

(c) The Division of Higher Education shall promulgate rules necessary for the implementation of this subchapter.

History. Acts 2009, No. 1215, § 3; 2019, No. 603, § 2; 2019, No. 910, § 2059.

Amendments. The 2019 amendment by No. 603 added “or successfully completed an alternative educator preparation program after April 2004 and teaches in a public school in this state program” in (a)(1); and rewrote (a)(2).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” and “Division of Elementary and Secondary Education” for “Department of Education” throughout the section.

SUBCHAPTER 17 — TEACHER CANDIDATE LOAN FORGIVENESS PROGRAM**SECTION.**

6-81-1701. Establishment — Administration.

6-81-1702. Eligibility — Loan amounts — Term.

6-81-1703. Loan amounts — Term — Renewal.

SECTION.

6-81-1704. Loan contract — Forgiveness.

6-81-1705. Repayment — Deferment.

6-81-1706. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1701. Establishment — Administration.

There is established a Teacher Candidate Loan Forgiveness Program to be administered by the Division of Higher Education.

History. Acts 2017, No. 709, § 1; 2019, No. 910, § 2060.

substituted "Division of Higher Education" for "Department of Higher Education".

Amendments. The 2019 amendment

6-81-1702. Eligibility — Loan amounts — Term.

(a) An individual is eligible for a loan under this subchapter to be used for financing the individual's cost of attendance at an institution of higher education if the individual:

- (1) Is a lawful resident of the State of Arkansas;
- (2) Has successfully completed his or her sophomore year at an institution of higher education;
- (3) Is enrolled in good standing at an institution of higher education in this state as a full-time junior or senior, as determined by the institution of higher education;
- (4) Is majoring in a degree program that will lead to the individual's becoming eligible for licensure as a teacher in a high-needs subject area as identified by the Division of Elementary and Secondary Education; and
- (5) Has entered into a written agreement with the Division of Higher Education to:

(A) Teach for five (5) consecutive years in a school or school district located in a geographic area identified by the Division of Elementary and Secondary Education under § 6-15-403 [repealed] as a critical teacher shortage area beginning immediately upon obtaining licensure; and

(B) Repay each loan at an interest rate and on a schedule as determined by the Division of Higher Education if the individual fails to meet the requirements under this subchapter.

(b) If the amount of funds available for the Teacher Candidate Loan Forgiveness Program is insufficient to award loans to all qualified applicants under this subchapter, the Division of Higher Education

shall award the loans on a competitive basis as determined by the Division of Higher Education.

History. Acts 2017, No. 709, § 1; 2019, No. 910, §§ 2061, 2062.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" and "Division of Higher Education" for "Department of Higher Education" throughout the section.

6-81-1703. Loan amounts — Term — Renewal.

(a)(1) The loan amounts under this subchapter shall be the lesser of:

(A) Five thousand dollars (\$5,000) per academic year; or

(B) The total cost of attendance for an academic year at the institution of higher education in which the individual is enrolled less any other scholarships or grants received by the individual for that academic year.

(2) The total amount of loans awarded to an individual under this subchapter shall not exceed ten thousand dollars (\$10,000).

(b) A loan made to an individual under this subchapter shall be:

(1) For one (1) academic year; and

(2) Renewable annually until the individual graduates from the institution of higher education and receives a degree, if the individual:

(A) Continues to meet the eligibility requirements under § 6-81-1702; and

(B) Meets the satisfactory academic progress standards required to receive other financial aid at the institution of higher education where the individual is enrolled, as determined by the Division of Higher Education in conjunction with the institution of higher education.

History. Acts 2017, No. 709, § 1; 2019, No. 910, § 2063.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in (b)(2)(B).

6-81-1704. Loan contract — Forgiveness.

(a) An individual who receives a loan under this subchapter shall execute a written loan contract with the Division of Higher Education for the repayment of the loan as provided in this subchapter.

(b) A loan contract executed under subsection (a) of this section shall provide that the total amount of the loans awarded to the individual under this subchapter, plus accrued interest, shall be forgiven at the rate of twenty percent (20%) per year for each year that the individual teaches in a school or school district located in a geographic area identified by the Division of Elementary and Secondary Education under § 6-15-403 [repealed] as a critical teacher shortage area.

History. Acts 2017, No. 709, § 1; 2019, No. 910, § 2064.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a); and substituted "Division of Elementary and Secondary Education" for "Department of Education" in (b).

6-81-1705. Repayment — Deferment.

(a) An individual who receives a loan under this subchapter shall immediately begin repayment of each loan the individual received, together with interest as determined by the Division of Higher Education, if the individual:

(1) Ceases to be enrolled in good standing at an institution of higher education in this state, unless the individual has graduated and received a degree;

(2) Does not obtain licensure as a teacher from the State Board of Education within one (1) year of graduating and receiving a degree;

(3) Does not begin work as a licensed teacher in the academic year immediately following becoming licensed;

(4) Does not teach in a school or school district located in a geographic area identified by the Division of Elementary and Secondary Education under § 6-15-403 [repealed] as a critical teacher shortage area in the individual's first year as a licensed teacher; or

(5)(A) Does not teach in a school or school district located in a geographic area identified by the Division of Elementary and Secondary Education under § 6-15-403 [repealed] as a critical teacher shortage area for five (5) consecutive years beginning immediately upon obtaining licensure.

(B) The total amount of the loans awarded to an individual that are subject to repayment under subdivision (a)(5)(A) of this section shall be reduced on a pro rata basis as required under § 6-81-1704(b).

(b)(1) The Division of Higher Education may defer the requirements under subdivisions (a)(3)-(5) of this section if the Division of Higher Education, in consultation with the Division of Elementary and Secondary Education, determines that there was no employment position available that would reasonably enable the individual to meet the requirements.

(2) After the period of deferral, the individual shall begin or resume teaching in a school or school district located in a geographic area identified by the Division of Elementary and Secondary Education under § 6-15-403 [repealed] as a critical teacher shortage area or become subject to repayment under subsection (a) of this section.

History. Acts 2017, No. 709, § 1; 2019, No. 910, § 2065.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" and "Division of Elementary and Secondary Education" for "Department of Education" throughout the section.

6-81-1706. Rules.

The Division of Higher Education shall promulgate rules to implement this subchapter.

History. Acts 2017, No. 709, § 1; 2019, No. 910, § 2066.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education".

SUBCHAPTER 18 — OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM

SECTION.

- 6-81-1801. Creation.
- 6-81-1802. Definitions.
- 6-81-1803. Osteopathic Rural Medical Practice Student Loan and Scholarship Board.
- 6-81-1804. Loan applications — Medical students and medical school graduates.
- 6-81-1805. Medical students — Investigation after application.
- 6-81-1806. Medical students — Purpose of loan.
- 6-81-1807. Medical students — Eligibility for initial and renewal loans.
- 6-81-1808. Maximum amount of loans.
- 6-81-1809. Loan contracts — Osteopathic rural medical practice loans — Obligations and conditions.

SECTION.

- 6-81-1810. Funding of loans.
- 6-81-1811. Annual report.
- 6-81-1812. Dispute resolution — Determination of breach.
- 6-81-1813. Medical school graduates — Community match contract — Eligibility.
- 6-81-1814. Medical school graduates — Community match contract — Obligations and conditions.
- 6-81-1815. Medical school alternates — Rural medical practice loans.
- 6-81-1816. Tracking loan contract compliance.
- 6-81-1817. Osteopathic Rural Medical Practice Student Loan and Scholarship Program Administrator.

Effective Dates. Acts 2019, No. 857, § 2: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that, in order to carry out the requirements of this act for the next fiscal year, it is necessary that this act become effective

in time for purposes of budgeting. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-81-1801. Creation.

There is established within the Division of Higher Education the Osteopathic Rural Medical Practice Student Loan and Scholarship Program to be administered by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

History. Acts 2019, No. 857, § 1.

6-81-1802. Definitions.

As used in this subchapter:

(1) "Medically underserved" means an area in Arkansas that the Osteopathic Rural Medical Practice Student Loan and Scholarship Board determines has unmet needs for medical services due to factors, including without limitation:

- (A) The ratio of primary care physicians to population;
- (B) The infant mortality rate;

- (C) The percentage of:
 - (i) Population with incomes below the federal poverty level, as it existed on January 1, 2019;
 - (ii) Resident individuals sixty (60) years of age and older; and
 - (iii) Physicians sixty (60) years of age and older;
- (D) Accessibility within the area to primary care medicine; and
- (E) Other relevant criteria the board may deem necessary for a determination of unmet needs for medical services;
- (2) "Primary care medicine" means health care provided in one (1) of the following areas of practice:
 - (A) Family medicine;
 - (B) General internal medicine;
 - (C) General internal medicine and pediatrics;
 - (D) General pediatrics;
 - (E) General obstetrics and gynecology;
 - (F) General surgery;
 - (G) Emergency medicine; and
 - (H) Geriatrics; and
- (3) "Qualified rural community" means an area:
 - (A) With a population below twenty thousand (20,000) according to the most recent federal census;
 - (B) That is at least twenty (20) miles from a city or town with a population of more than twenty thousand (20,000) according to the most recent federal census; and
 - (C) That is reasonably determined by the board to be medically underserved.

History. Acts 2019, No. 857, § 1.

6-81-1803. Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

- (a)(1) There is established the Osteopathic Rural Medical Practice Student Loan and Scholarship Board composed of:
 - (A) One (1) representative of each medical school in Arkansas that is not the University of Arkansas for Medical Sciences;
 - (B) One (1) representative of the Arkansas Osteopathic Medical Association, who shall serve as vice chair;
 - (C) Two (2) physician members appointed by the Arkansas Osteopathic Medical Association, giving preference to physicians who have received osteopathic rural medical practice loans, community match loans, or income incentives; and
 - (D) Two (2) representatives appointed by the Arkansas Hospital Association, Inc.
- (2) Members of the board shall:
 - (A) Serve a term of three (3) years; and
 - (B) Not serve more than two (2) consecutive terms.
- (3) Except as provided under subsection (c) of this section, members of the board shall serve without compensation.

(4) Vacancies shall be filled in a similar manner as provided under subdivisions (a)(1) and (2) of this section.

(b) The board shall:

(1) Promulgate reasonable rules necessary to execute the provisions of this subchapter, including without limitation rules addressing the requirements and in conformance with the requirements of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and other appropriate state laws in promulgating and placing rules into effect:

(A) For a health professions shortage area;

(B) To become a qualified rural community eligible to participate in the Osteopathic Rural Medical Practice Student Loan and Scholarship Program under this subchapter; and

(C) For a procedure to resolve disputes arising out of or relating to a rural practice or community match loan or income incentive contract;

(2) Prescribe forms for and regulate the submission of loan applications;

(3) Determine eligibility of applicants;

(4) Allow or disallow loan or income incentive applications;

(5) Contract, increase, decrease, terminate, and otherwise regulate all loan and income incentive disbursements for these purposes, receipts for their repayment, and convert loans to scholarships or grants, as applicable;

(6) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(7) Accept gifts, grants, bequests, or devises and apply them as a part of the Osteopathic Rural Medical Practice Student Loan and Scholarship Program;

(8) Sue and be sued as the board; and

(9) Accept moneys from federal programs that may be used for furtherance of the purposes of this subchapter.

(c) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(d) The board shall administer the Osteopathic Rural Medical Practice Student Loan and Scholarship Program and the Community Match Rural Physician Recruitment Program.

History. Acts 2019, No. 857, § 1.

6-81-1804. Loan applications — Medical students and medical school graduates.

(a) An individual may apply for a loan under this subchapter on forms prescribed by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board if the individual is:

(1) Accepted for admission to or enrolled in good standing in a medical school in Arkansas in studies that lead to the degree of Doctor of Osteopathic Medicine; and

(2) A bona fide resident of Arkansas.

(b) A graduate of an accredited osteopathic medical school in the United States may apply for the community match income incentive program under this subchapter on forms prescribed by the board so long as the applicant satisfies the criteria set forth in § 6-81-1814.

History. Acts 2019, No. 857, § 1.

6-81-1805. Medical students — Investigation after application.

When an osteopathic rural medical practice loan application is filed with the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, the board shall examine the application, investigate the ability, character, and qualifications of the applicant, and investigate the financial standing of the applicant or his or her parents to determine whether the applicant is in need of a loan to advance his or her medical education.

History. Acts 2019, No. 857, § 1.

6-81-1806. Medical students — Purpose of loan.

Osteopathic rural medical practice loans provided for in this subchapter shall be made for the sole purpose of paying the applicant's tuition, maintenance, and educational expenses and the necessary living expenses of his or her dependents while the applicant is enrolled in a program of medical education as described in this subchapter.

History. Acts 2019, No. 857, § 1.

6-81-1807. Medical students — Eligibility for initial and renewal loans.

(a) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board may make osteopathic rural medical practice loans to the applicant, each osteopathic rural medical practice loan being expressly made subject to the provisions of § 6-81-1809(c) and § 6-81-1810, if the board finds that:

- (1) The applicant is a bona fide resident of Arkansas;
- (2) The applicant has been accepted for admission to or is enrolled in good standing in studies that lead to the degree of Doctor of Osteopathic Medicine;
- (3) The applicant is enrolled in a medically underserved and rural practice curriculum;
- (4) The applicant needs financial assistance to complete his or her medical studies;
- (5) The applicant desires to practice medicine in an eligible qualified rural community; and
- (6) The applicant is a person of good moral character and one who has the talent and capacity to profit by medical studies.

(b) Subject to the availability of funds, an initial osteopathic rural medical practice loan for one (1) academic year shall be renewable

annually for the number of years required to complete studies leading to the Doctor of Osteopathic Medicine degree or for additional amounts, not to exceed the maximum amounts specified in § 6-81-1808, but all subsequent osteopathic rural medical practice loans shall be granted only upon application by the recipient and a finding by the board that:

(1) The applicant has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;

(2) The applicant is enrolled or participating in a medically underserved and rural practice curriculum;

(3) The applicant continues to be a resident of Arkansas; and

(4) The applicant's financial situation continues to warrant financial assistance made under the conditions of this section.

History. Acts 2019, No. 857, § 1.

6-81-1808. Maximum amount of loans.

(a) The maximum amount of each osteopathic rural medical practice loan for osteopathic medical students shall not exceed sixteen thousand five hundred dollars (\$16,500) per academic year or those costs that are reasonable and necessary for the student's attendance as determined by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

(b)(1) The maximum amount of each community match income incentive shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise shall determine payable under § 6-81-1816.

(2) The board shall provide fifty percent (50%) of the community match income incentive, and the qualified rural community shall provide the other fifty percent (50%) of the income incentive.

(3) However, if the board does not have sufficient funds to match the community's portion of the income incentive, nothing precludes a qualified rural community from providing the total income incentive amount.

History. Acts 2019, No. 857, § 1.

6-81-1809. Loan contracts — Osteopathic rural medical practice loans — Obligations and conditions.

(a) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall enter into a loan contract with the applicant to whom an osteopathic rural medical practice loan is made.

(b) The contract shall be approved by the Attorney General and shall be signed by the Chair of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, countersigned by the Secretary of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, and signed by the applicant.

(c) Each applicant to whom an osteopathic rural medical practice loan or loans are granted by the Osteopathic Rural Medical Practice

Student Loan and Scholarship Board shall execute a written loan contract that incorporates the following obligations and conditions:

(1)(A) The recipient of an osteopathic rural medical practice loan or loans shall bindingly contract that he or she shall practice primary care medicine full time in a qualified rural community upon completion of:

(i) His or her medical internship of one (1) year undertaken immediately following the earning of the degree of Doctor of Osteopathic Medicine;

(ii) Four (4) additional years of medical training beyond the internship if the training has been approved in advance by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board and includes practice experience in a rural community; or

(iii) At the request of the recipient of an osteopathic rural medical practice loan, the Osteopathic Rural Medical Practice Student Loan and Scholarship Board may approve the recipient's request to practice in more than one (1) qualified rural community to meet his or her obligation to practice full time if the Osteopathic Rural Medical Practice Student Loan and Scholarship Board determines, based upon guidelines established by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, that the physician need in the rural communities cannot sustain a full-time medical practice or that other compelling circumstances exist.

(B) The recipient of an osteopathic rural medical practice loan or loans shall bindingly contract that for each year's loan he or she shall practice medicine in accordance with subdivision (c)(1)(A) of this section for a whole year.

(C) For each continuous whole year of medical practice, in accordance with subdivision (c)(1)(A) of this section, subject to reasonable leave periods, including without limitation vacation, sick leave, continuing medical education, jury duty, funerals, holidays, or military service, the Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan plus accrued interest;

(2)(A) The recipient of an osteopathic rural medical practice loan or loans shall bindingly contract that not engaging in the practice of medicine in accordance with the loan contract and with this subchapter may result in suspension of his or her license to practice medicine in this state.

(B) The recipient's medical license may not be suspended unless the recipient's contract contained a specific term that loss of license was a consequence of breach and the recipient signed a written acknowledgment of understanding that the suspension of license was explained to him or her orally as a potential consequence of breach of the contractual provisions.

(C) The suspension may be for a period of years equivalent to the number of years that the recipient is obligated to practice medicine in a rural area but has not so practiced and until the loan with interest

together with any civil money penalties, as reduced by each full year of medical practice according to the terms of the loan contract, is paid in full;

(3) Any communication from a medical school in Arkansas that is not the University of Arkansas for Medical Sciences with any state medical licensing board shall include a notation that the recipient of an osteopathic rural medical practice loan has a contract with the State of Arkansas to practice medicine in a rural community and that breach of that contract may result in suspension of the recipient's Arkansas medical license;

(4)(A) In the event that any osteopathic rural medical practice loan recipient under this subchapter does not engage in the practice of medicine in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

(B) Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

(C) Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

(i) Failure to remain enrolled in a medically underserved and rural practice curriculum;

(ii) Failure to remain in enrollment status continuously to completion of the degree of Doctor of Osteopathic Medicine for any reason other than temporary personal illness;

(iii) Failure to complete the internship;

(iv)(a) Failure to engage in the full-time practice of medicine while residing in a qualified rural community in Arkansas as defined in § 6-81-1802.

(b) However, the Osteopathic Rural Medical Practice Student Loan and Scholarship Board may waive the residency requirement on a case-by-case basis; and

(v) Failure to establish a practice as described under subdivision (c)(4)(C)(iv)(a) of this section within six (6) months following either internship or four (4) additional years of medical education that includes practice experience in a rural community.

(D) In the event of the death of the recipient, the entire loan amount that has not been converted to a scholarship grant pursuant to the terms of the loan contract shall be due and payable;

(5) If an alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas enters into an osteopathic rural medical practice program contract conditioned only upon the applicant's being accepted for admission to the college and otherwise meets the require-

ments of § 6-81-1807 and if the applicant is moved to the top of the waiting list under § 6-81-1815, the alternate's contract shall contain an additional term that breach of the contract may result in civil money penalties in the amount of one hundred percent (100%) of the loan amount; and

(6) This subsection shall not prohibit the Osteopathic Rural Medical Practice Student Loan and Scholarship Board from considering and entering into a negotiated settlement with the osteopathic rural medical practice loan recipient involving the license suspension, the amount of the civil money penalty, and the terms of repayment of the loan.

(d) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board may amend agreements entered into with any loan recipient at any time prior to full performance of the recipient's contractual obligations.

(e)(1) An osteopathic rural medical practice loan recipient may apply to an osteopathic medical school in Arkansas for a waiver of the contractual provisions set forth in subdivision (c)(2) of this section.

(2)(A) If the osteopathic medical school in Arkansas determines that exigent circumstances warrant a waiver, the loan recipient shall be notified in writing.

(B) The osteopathic medical school in Arkansas shall immediately notify the Arkansas State Medical Board of such determination.

History. Acts 2019, No. 857, § 1.

6-81-1810. Funding of loans.

(a)(1) All payments for osteopathic rural practice loans and community match loans under this subchapter shall be made on requisitions signed by the Chair of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board drawn against the funds held for the purpose of this subchapter.

(2) These funds, consisting of state appropriations so designated, revolving amounts received from repayment of loans and interest, and all funds and property and income received by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board under its authority to accept and apply gifts, bequests, and devises shall be held in trust and disbursed by the fiscal officers of a medical school in Arkansas that is not the University of Arkansas for Medical Sciences for the aforesaid purposes.

(b) Funds collected as a result of a recipient's breach of an osteopathic rural practice loan contract or community match loan contract shall be:

(1) Held in trust for the use of the Osteopathic Rural Medical Practice Student Loan and Scholarship Program and the Community Match Rural Physician Recruitment Program, or as otherwise deemed appropriate by the board in its discretion; and

(2) Disbursed by the fiscal officer of an osteopathic medical school in Arkansas under this subchapter.

History. Acts 2019, No. 857, § 1.

6-81-1811. Annual report.

(a) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall make an annual report to the Governor concerning the activities of the board and shall file a copy of its report with the Legislative Council.

(b)(1) The report under subsection (a) of this section shall include:

(A) The names of the recipients of the loans;

(B) The amount of each loan;

(C) An accounting of the funds granted, on hand, and expended for necessary expenses;

(D) The total amount of funds received during the year from gifts, federal grants, bequests, and devises; and

(E) The amount of loans which, during the year, become scholarships through compliance with the conditions of the loan contracts.

(2) This report shall include the names and addresses, and amount of loans to each person, of those recipients who are in default of repayment obligations.

History. Acts 2019, No. 857, § 1.

6-81-1812. Dispute resolution — Determination of breach.

(a) Any applicant for a loan or income incentive issued by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, any person who has been granted a loan or has been granted income incentives by the board, or any party to an osteopathic rural medical practice or community match loan or income incentive may appeal any decision or action by the board relating to the application for a loan or income incentive or relating to a loan or income incentive granted by the board under the dispute resolution procedure established under this subchapter.

(b)(1) The board, under § 6-81-1803(b)(1), shall promulgate rules establishing a procedure that may be used by a loan or income incentive recipient, the board, or a qualified rural community to resolve any dispute arising out of or relating to an osteopathic rural medical practice or community match loan or income incentive contract, including the validity or interpretation of a contract term, contract enforcement or defenses, the occurrence of an event of default or breach, loan repayment, the assessment or imposition of contract damages or civil money penalties, or other related disputes.

(2) The rules may provide for alternative dispute resolution, such as mediation, as appropriate.

(3) The dispute resolution procedure established by the board shall be followed before the initiation of any litigation related to an osteopathic rural medical practice or community match loan or income incentive contract.

(c) This subchapter does not prohibit informal disposition by stipulation, settlement, or consent.

History. Acts 2019, No. 857, § 1.

6-81-1813. Medical school graduates — Community match contract — Eligibility.

(a)(1) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall administer the Community Match Rural Physician Recruitment Program.

(2)(A) Interested rural communities may apply to the Osteopathic Rural Medical Practice Student Loan and Scholarship Board to participate in the program as a qualified rural community.

(B) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall approve a designated representative or representatives of the qualified rural community to assist the Osteopathic Rural Medical Practice Student Loan and Scholarship Board in matters relating to any community match contracts entered into by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board and the qualified rural community.

(b) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board, in conjunction with a qualified rural community, may grant community match income incentives to applicants, each incentive being expressly made subject to § 6-81-1814, if it finds that:

(1) The applicant is a graduate of:

(A) An accredited osteopathic medical school in the United States; or

(B) A foreign medical school if the applicant:

(i) Was a resident of Arkansas and citizen of the United States prior to enrollment in the foreign medical school; and

(ii) Has been licensed by the Arkansas State Medical Board;

(2) The applicant satisfies one (1) of the following criteria:

(A) He or she is enrolled in a residency or other training program in an area of primary care medicine; or

(B) No more than two (2) years before the date of the application, he or she completed a residency or other training program in an area of primary care medicine;

(3) The applicant desires to practice medicine in the qualified rural community; and

(4) The designated representative or representatives of the qualified rural community approve the applicant.

History. Acts 2019, No. 857, § 1.

6-81-1814. Medical school graduates — Community match contract — Obligations and conditions.

(a)(1) The Osteopathic Rural Medical Practice Student Loan and Scholarship Board and the qualified rural community shall enter a joint community match income incentive contract with the applicant.

(2) The form of the community match income incentive contract shall be approved by the Attorney General and shall be signed by the Chair of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, the Secretary of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, the designated representative or representatives of the qualified rural community, and the applicant.

(b) Each applicant to whom a community match income incentive is granted by the board shall execute a written contract that shall incorporate the following obligations and conditions:

(1)(A) The recipient of a community match income incentive shall bindingly contract that he or she shall practice primary care medicine full time in the contracting qualified rural community for a period of four (4) years.

(B)(i) The recipient shall receive the community match income incentive funds according to a disbursement schedule acceptable to the board, the qualified rural community, and the recipient as set forth in writing in the community match contract.

(ii) For each three-month period of full-time medical practice by the recipient, according to the terms of the community match contract, the board and the qualified rural community shall award one-fourth ($\frac{1}{4}$) of the income incentive for the year of service;

(2)(A) If any recipient does not begin or ceases the full-time practice of medicine in breach of the community match income incentive contract or otherwise breaches the community match income incentive contract, the recipient shall pay twenty thousand dollars (\$20,000) for each uncompleted full year of the four-year contract term, and any civil money penalties that apply.

(B) The board may impose civil money penalties of up to fifty percent (50%) of the principal amount of the income incentive under the terms of the community match income incentive contract as a consequence of breach; and

(3) Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

(c) Subsection (b) of this section does not prohibit the board from considering and entering into a negotiated settlement with the income incentive recipient involving the terms of repayment of amounts paid under the terms of the community match income incentive contract.

(d) Community match income incentive contracts may be amended at any time before the income incentive has been paid in full or terms and conditions of the contract are satisfied.

(e) The board shall promulgate rules setting forth additional terms and conditions of community match income incentive contracts.

History. Acts 2019, No. 857, § 1.

6-81-1815. Medical school alternates — Rural medical practice loans.

(a) If an alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas demonstrates a willingness to enter into an osteopathic rural medical practice loan contract and meets the requirements of § 6-81-1807, the applicant shall be moved to the top of the waiting list upon entering into an osteopathic rural medical practice student loan contract.

(b) The priority on the waiting list for an alternate who enters into an osteopathic rural medical practice student loan contract shall be determined by the date and time such an alternate enters into the rural medical practice student loan contract.

History. Acts 2019, No. 857, § 1.

6-81-1816. Tracking loan contract compliance.

An osteopathic medical school in Arkansas shall:

(1) Track graduates who were recipients of osteopathic rural medical practice loans under this subchapter for the length of their contractual obligations; and

(2) Report to the Legislative Council by October 1 of each even-numbered year regarding the compliance of those graduates with the terms of their contracts.

History. Acts 2019, No. 857, § 1.

6-81-1817. Osteopathic Rural Medical Practice Student Loan and Scholarship Program Administrator.

(a) There is established an Osteopathic Rural Medical Practice Student Loan and Scholarship Program Administrator.

(b) The administrator shall:

(1) Be employed by the Division of Higher Education;

(2) Serve as liaison between osteopathic rural medical practice student loan recipients and rural communities by:

(A) Working with the communities to identify their unique needs, to develop profiles of their ideal candidates, and to prepare for recruitment visits; and

(B) Assisting medical students and residents to identify medically underserved and other rural communities that suit their personal and medical practice needs and to meet their contractual obligations;

(3) Collect and monitor program data, including demographic data of participants and communities, service completion rates, retention rates beyond service completion, satisfaction of obligated physicians and communities, and other information;

(4) Prepare annual program evaluations and present the evaluations to the Osteopathic Rural Medical Practice Student Loan and Scholarship Board;

(5) Assist with preparation and submission of program reports;

(6) Attend board meetings in a nonvoting capacity; and

(7) Perform other functions assigned by the board.

History. Acts 2019, No. 857, § 1.

CHAPTER 82

SCHOLARSHIPS

SUBCHAPTER.

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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-82-102. Annual review of minority scholarship or grant program.

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6-82-105. Administration — Authority of Division of Higher Education.

SECTION.

6-82-106. Scholarship awards.

6-82-108. Academic Support Scholarship.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-82-102. Annual review of minority scholarship or grant program.

(a) The Arkansas Higher Education Coordinating Board shall review annually all minority scholarship or grant programs administered by the Division of Higher Education in order to ensure that the programs are in compliance with federal regulations.

(b) The board of trustees of each publicly supported institution of higher education shall review annually all minority scholarship or grant programs administered by the institution in order to ensure that the programs are in compliance with federal regulations.

History. Acts 1993, No. 301, §§ 1, 2; No. 330, §§ 1, 2; 1995, No. 1296, § 36; 1997, No. 112, § 24; 1999, No. 478, § 9; 2019, No. 910, § 2067.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (a).

6-82-103. Out-of-state tuition.

(a) The board of trustees of any institution of higher education may waive the out-of-state portion of any full tuition scholarship for any full-time student which is provided by unrestricted funds of the institution.

(b) The part that is waived shall not be considered as an expenditure by any rule of the Arkansas Higher Education Coordinating Board.

History. Acts 1997, No. 342, § 41; 1997, No. 1211, § 30; 2019, No. 315, § 399.

Amendments. The 2019 amendment substituted "rule" for "regulation" in (b).

6-82-105. Administration — Authority of Division of Higher Education.

The Division of Higher Education shall administer all state college financial assistance programs provided by legislation or by law and in so doing shall have the following authority and responsibility with respect to state college financial assistance programs provided by legislation or by law to:

(1) Adopt such rules as the division shall deem necessary or appropriate to carry out the purposes of this subchapter;

(2) Establish and consult, as necessary, an advisory committee representing the private and public sectors of postsecondary education in determining guidelines and rules for administration of the student financial aid programs, including, but not limited to, rules determining academic ability, financial need, and residency;

(3) Prepare application forms, parents' confidential financial statement forms, or any other forms as necessary to properly administer and carry out the purposes of this subchapter and to furnish the forms to persons desiring to make application for state financial aid;

(4) Consider all applications for state scholarships;

(5) Determine a termination date for the acceptance of applications;

(6) Require applicants to file additional information with the division as necessary and appropriate to carry out the purposes of this subchapter and to prevent fraud, misrepresentation, or misleading representation by applicants;

(7) Determine the necessary procedures for the awarding of grants should the number of eligible applicants exceed funds available;

(8) Disburse scholarship grants to qualified students through eligible postsecondary institutions;

(9) Approve or determine the eligibility of any state-supported institution of higher education to participate in or receive disbursements of financial aid on behalf of students awarded any state financial assistance provided by legislation or by law;

(10) Cooperate with and receive the cooperation of the approved private and public institutions of postsecondary education in the state and their governing bodies in the administration of the scholarship program;

(11) Employ or engage such professional, administrative, clerical, and other employees as may be necessary to assist the division in the performance of its duties and responsibilities; and

(12) Provide fair and equitable treatment to all approved institutions and students.

History. Acts 2005, No. 2142, § 2; 2019, No. 315, § 400; 2019, No. 910, §§ 2068-2071.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (2).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in the introductory language; and substituted "division" for "department" throughout the section.

6-82-106. Scholarship awards.

(a) The Division of Higher Education is authorized to award scholarships to students who are accepted to a Washington, D.C. public policy academic internship, as determined by the division, if funding is appropriated and available.

(b) The division may promulgate rules to administer this section.

History. Acts 2007, No. 1046, § 2; 2019, No. 910, § 2072.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a); and substituted "division" for "department" in (a) and (b).

6-82-108. Academic Support Scholarship.

(a) The intent of this section is to provide academic support to offset the costs associated with the preparation for college and college readiness assessments to reduce college remediation requirements and increase the number of college graduates in this state.

(b) There is established the Academic Support Scholarship to be administered by the Division of Higher Education, which shall cover the following costs without limitations:

- (1) Tutoring;
- (2) Assessment fees;
- (3) Educational materials; and
- (4) Technology fees.
- (c) To apply for a scholarship under this section, a student shall:
 - (1) Complete an application created and reviewed by the division;
 - (2) Be in good standing with his or her school district;
 - (3) Be in the process of applying to a postsecondary institution of higher education;
 - (4) Have graduated high school with a minimum grade point average of 2.0 on a 4.0 scale;
 - (5) Be eighteen (18) years of age or younger; and
 - (6) Complete and submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid.
- (d) A recipient of a scholarship under this section who meets the requirements under subsection (c) of this section is eligible for a scholarship award of two hundred fifty dollars (\$250) for the academic year in which the recipient is enrolled in a postsecondary institution of higher education.
- (e) A scholarship under this section shall be funded with any funds remaining after the Division of Higher Education allocates sufficient funding to award Arkansas Academic Challenge Scholarships under § 6-85-201 et seq., Arkansas Workforce Challenge Scholarships under § 6-85-301 et seq., and Arkansas Concurrent Challenge Scholarships under § 6-85-401 et seq.

History. Acts 2019, No. 1026, § 1; 2021, No. 331, § 1. **Amendments.** The 2021 amendment added (c)(6).

SUBCHAPTER 3 — ARKANSAS GOVERNOR’S SCHOLARS PROGRAM

SECTION.	SECTION.
6-82-302. Definitions.	6-82-309. Award of scholarship.
6-82-304. Administration — Authority of division.	6-82-311. Term, renewal, and allocation of scholarships.
6-82-306. Eligibility.	6-82-312. Scholarship amounts.
6-82-307. Applicant’s responsibilities.	6-82-314. Withdrawal from school — Re-fund.
6-82-308. Number of scholarships.	

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2021, No. 217, § 3: Mar. 1, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that current students would qualify for scholarships based on the language of this act; and that this act is immediately necessary to ensure that current students who would qualify for scholarships based on the lan-

guage of this act will not be denied scholarships for the upcoming school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-82-302. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Academic ability” means the intellectual standing of a student. In determining superior academic ability, the Division of Higher Education shall examine the student’s high school records, competitive examination scores, and demonstrated leadership capabilities;

(2) “Approved institution” means a public or private college or university:

(A) Which is dedicated to educational purposes, located in Arkansas, or located out of state and educating Arkansas residents in dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy under agreement with the Southern Regional Education Board, accredited by an accrediting agency certified and recognized by the United States Department of Education or the Division of Agency Evaluation and Institutional Accreditation, or a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation;

(B) Which does not discriminate in the admission of students on the basis of race, color, religion, sex, or national origin; and

(C) Which subscribes to the principle of academic freedom;

(3) “Competitive examination” means a standardized examination measuring achievement which is administered annually on a specified date and at a specified location and which is announced publicly;

(4) [Repealed.]

(5) “Eligible student” means a resident of the State of Arkansas as defined by the Division of Higher Education who:

(A) Is eligible for admission as a full-time student;

(B) Declares an intent to matriculate in an approved institution in Arkansas; and

(C) Graduates from:

(i) A high school in this state, for Arkansas Governor’s Scholars; or

(ii) A high school, for Arkansas Governor’s Distinguished Scholars;

(6)(A) “Extraordinary academic ability” means:

(i) Achievement of a superscore, as defined by § 6-85-204, of 32 or above on the ACT or a score of 1410 or above on the SAT; and

(ii) Either:

(a) For students graduating from high school after December 31, 2001, achievement of a high school grade point average of 3.5 or above on a 4.0 scale; or

(b) Selection as a finalist in either the National Merit Scholarship competition, the National Hispanic Recognition Program, or the National Achievement Scholarship competition conducted by the National Merit Scholarship Corporation.

(B) For students graduating after December 31, 2001, the ACT superscores and SAT scores shall be earned by December 31 prior to the application deadline in order for the scores to be considered by the Division of Higher Education for a scholarship award;

(7) “Full-time student” means a resident of Arkansas who is in attendance at an approved private or public institution and who is enrolled in at least twelve (12) credit hours the first semester and fifteen (15) hours thereafter, or other reasonable academic equivalent as defined by the Division of Higher Education;

(8) “Scholarship” means an award to an eligible student for matriculation in an approved institution in the State of Arkansas; and

(9) “Undergraduate student” means an individual who is enrolled in a postsecondary educational program which leads to or is directly creditable toward the individual’s first baccalaureate degree.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 3; 1985, No. 176, § 1; A.S.A. 1947, § 80-5903; Acts 1997, No. 489, § 1; 1997, No. 1269, § 2; 2001, No. 1761, § 2; 2009, No. 1218, § 1; 2013, No. 416, § 1; 2019, No. 910, §§ 2073-2077; 2021, No. 743, § 1.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Educa-

tion” in (1) and the introductory language of (5); repealed (4); and substituted “Division of Higher Education” for “department” in (6)(B) and (7).

The 2021 amendment, in (6)(A)(i), substituted “superscore, as defined by § 6-85-204” for “score” and inserted “a score of”; inserted “Either” in (6)(A)(ii); and substituted “superscores” for “scores” in (6)(B).

6-82-304. Administration — Authority of division.

The Division of Higher Education shall administer the Arkansas Governor’s Scholars Program and shall have the following authority and responsibility with respect to the program to:

(1) Prepare application forms or such other forms as the division shall deem necessary to properly administer and carry out the purposes of this subchapter;

(2) Establish and consult as necessary with an advisory committee representing the public and private sectors of postsecondary education and secondary schools in determining guidelines and rules for the administration of the program;

(3) Select recipients of scholarships awarded pursuant to the provisions of this subchapter;

(4) Establish the procedures for payment of scholarships to recipients;

(5) Set a termination date for the acceptance of applications;

(6) Review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this legislation;

(7) Determine the necessary procedures for the awarding of scholarships if the number of eligible applicants exceeds the available funds or available awards; and

(8) Approve a scholarship hold for a student for a period of twenty-four (24) months or less for the following reasons without limitation:

(A) A medical condition of the student or a member of the student's immediate family that, on the basis of a physician's good-faith judgment, necessitates that the student or the student's immediate family member be hospitalized or receive outpatient or home-based medical care or recuperate until released by the attending physician;

(B) A personal or family emergency that requires the student to:

(i) Attend the funeral of an immediate family member; or

(ii) Visit a relative of the student if the relative has a medical condition in which death is possible or imminent;

(C) Military service under § 6-61-112; or

(D)(i) A commitment of twelve (12) to twenty-four (24) months for service in a national or international humanitarian project sponsored by a nonprofit corporation organized with a charitable or educational purpose.

(ii) The student's commitment shall be expressed in a written agreement with the nonprofit organization, including the terms of completion for the student's service on the related project.

(iii) The division shall release a scholarship hold if the division determines that the student did not complete the commitment under the written agreement.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 6; A.S.A. 1947, § 80-5906; Acts 2001, No. 1761, § 3; 2009, No. 1218, § 2; 2015, No. 21, § 1; 2019, No. 910, §§ 2078-2080.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in the introductory language; and substituted "division" for "department" in (1) and twice in (8)(D)(iii).

6-82-306. Eligibility.

(a) The Arkansas Governor's Scholars Program scholarships are to be awarded to those students who demonstrate the highest capabilities for successful college study.

(b) A student is eligible for a scholarship under subsection (a) of this section if he or she:

(1) Meets the admission requirements and is accepted for enrollment as a full-time undergraduate student in an eligible public or private college or university in Arkansas;

(2)(A) Is a bona fide resident of the state, as defined by the Division of Higher Education.

(B) Preference will be given to students who plan to enter college at the beginning of the academic year directly following their last year of high school attendance;

(3) Is a:

(A) Citizen of the United States;

(B) Permanent resident alien;

(C) Person who holds or is the child of a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit"; or

(D) Person who is a migrant from the Compact of Free Association Islands;

(4) Graduates from a high school;

(5) Has completed and submitted to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid; and

(6)(A) Satisfies the qualifications of superior academic ability as established by the Division of Higher Education with criteria consisting of value points for academic achievement and leadership, including without limitation:

(i) ACT or SAT score, National Merit Finalist, or National Achievement Finalist;

(ii) High school grade point average;

(iii) Rank in high school class; and

(iv) Leadership in school, community, and employment.

(B)(i) The Division of Higher Education may alter the weight assigned to the individual criterion to more appropriately meet the needs of the state as determined by the Arkansas Higher Education Coordinating Board.

(ii) The Division of Higher Education shall ensure that the weight assigned to each individual criterion under this subdivision (b)(6)(B) does not place a home-schooled, public school, or private school student at a disadvantage.

(iii)(a) After determining qualified recipients based on the qualifications under subdivision (b)(6)(A) of this section, the Division of Higher Education shall ensure that at least one (1) recipient is selected from each of the seventy-five (75) counties in Arkansas.

(b) If any of the seventy-five (75) counties is not represented, the Division of Higher Education shall select a student from each unrepresented county with the highest qualifications under subdivision (b)(6)(A) of this section who was not initially qualified.

(c) The scholarship shall be weighed on the factors of achievement, ability, and demonstrated leadership capabilities.

(d) Students who are selected as Arkansas Governor's Scholars who also exhibit extraordinary academic ability as defined in this subchapter shall be designated as Arkansas Governor's Distinguished Scholars.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 5; 1985, No. 176, § 2; A.S.A. 1947, § 80-5905; Acts 1997, No. 489, § 3; 1999, No. 1562, § 2; 2001, No. 1761, § 5; 2009, No. 1218, § 3; 2013, No. 512, § 1; 2015, No. 850, §§ 1, 2; 2019, No. 910, §§ 2081-2084; 2021, No. 79, § 4; 2021, No. 217, § 1; 2021, No. 331, § 2.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" throughout the section; and substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (b)(5)(A).

The 2021 amendment by No. 79 deleted former (b)(5).

The 2021 amendment by No. 217 redesignated part of (b)(3) as (b)(3)(A) and (B); and added (b)(3)(C) and (D).

The 2021 amendment by No. 331 substituted "a scholarship under subsection (a) of this section" for "this scholarship" in the introductory language of (b); deleted former (b)(5); and inserted present (b)(5).

6-82-307. Applicant's responsibilities.

Each applicant shall, in accordance with the provisions of this subchapter and the rules of the Division of Higher Education:

(1) Complete and file with the division the appropriate application for the Arkansas Governor's Scholars Program and such other information and data as may be requested by the division in determining the eligibility of the student;

(2) Furnish to the division information regarding any change in status of the student or any other information that might have a direct bearing on the eligibility of the applicant; and

(3) Provide the division with verification that the scholarship was used in accordance with the purposes of this subchapter.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 7; A.S.A. 1947, § 80-5907; Acts 2019, No. 315, § 401; 2019, No. 910, § 2085.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the introductory language.

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in the introductory language; and substituted "division" for "department" throughout the section.

6-82-308. Number of scholarships.

(a) If sufficient funds are available, effective for students receiving their initial awards beginning in fall 2007, the number of initial scholarship awards to eligible high achievers shall not exceed three hundred seventy-five (375) each year.

(b)(1) A report that demonstrates, based on economic projections and revenue forecasts, that sufficient funds are available to award scholarships to high achievers relative to the number of Arkansas Academic Challenge Scholarship recipients shall be submitted to the House Committee on Education, the Senate Committee on Education, and the Legislative Council for review prior to obligating the funds.

(2) Should a shortfall of funds be projected, the Division of Higher Education shall promulgate rules for the priority funding of these scholarships and submit these proposed rules to the Arkansas Higher Education Coordinating Board for a public hearing and to the Administrative Rules Subcommittee of the Legislative Council for review before implementing the rules.

(3) If there are more eligible applicants than available scholarships, the division may determine a procedure for awarding additional scholarships while not exceeding available funds.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1989, No. 951, § 1; 1997, No. 489, § 4; 2001, No. 1761, § 6; 2005, No. 1241, § 1; 2007, No. 1046, § 1; 2009, No. 1218, § 4; 2015, No. 850, § 3; 2019, No. 315, § 402; 2019, No. 910, § 2086.

Amendments. The 2019 amendment by No. 315 substituted “Administrative

Rules Subcommittee” for “Administrative Rules and Regulations Subcommittee” in (b)(2).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (b)(2); and substituted “division” for “department” in (b)(3).

6-82-309. Award of scholarship.

An Arkansas Governor’s Scholarship or Arkansas Governor’s Distinguished Scholarship will be awarded to a student in a manner to be determined by the Division of Higher Education.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 2019, No. 910, § 2087.

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education”.

6-82-311. Term, renewal, and allocation of scholarships.

(a) An Arkansas Governor’s Scholarship or Arkansas Governor’s Distinguished Scholarship may be awarded annually for a period not to exceed an academic year.

(b)(1) A scholarship shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institutions.

(2) In no instance may the entire amount of the grant for an educational year be paid to or on behalf of students in advance.

(c) Provided sufficient funds are available, a scholarship shall be awarded for one (1) academic year and renewed annually for three (3) additional academic years if the following conditions for renewal are met:

(1) A student receiving a scholarship under § 6-82-312(a) maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale;

(2) A student receiving a scholarship under § 6-82-312(b) maintains not less than a 3.25 grade point average on a 4.0 scholastic grading scale;

(3) A recipient of a scholarship under § 6-82-312(a) or (b) has successfully completed a total of at least twenty-seven (27) hours during

the first full academic year and, if applicable, a total of at least thirty (30) hours per academic year thereafter;

(4) A recipient of a scholarship under § 6-82-312(a) or (b) has met any other continuing eligibility criteria established by the Division of Higher Education; and

(5)(A) If a student who has continuously been a recipient of the scholarship under § 6-82-312(a) or (b) for at least three (3) consecutive years is enrolled as a part-time student in the student's fourth academic year, the student shall be eligible to continue to receive the scholarship under § 6-82-312(a) or (b) if the student has completed, by his or her fourth academic year, or is enrolled in, for his or her fourth academic year, the requisite number of credit hours to complete the student's degree program.

(B) The scholarship amount for each semester in which a student who is the recipient of a scholarship under § 6-82-312(a) or (b) is enrolled under this subsection shall be prorated by the number of credit hours in which the student is enrolled.

History. Acts 1983 (1st Ex. Sess.), No. 59, §§ 4, 6; A.S.A. 1947, §§ 80-5904, 80-5906; Acts 1997, No. 489, § 5; 1999, No. 1562, § 3; 2001, No. 1761, § 7; 2007, No. 274, § 2; 2009, No. 1218, § 5; 2017, No. 1008, § 2; 2019, No. 834, § 1; 2019, No. 910, § 2088.

Amendments. The 2017 amendment substituted "a scholarship under § 6-82-312(a)" for "the additional scholarship under § 6-82-312(b)" in (c)(2).

The 2019 amendment by No. 834 inserted "receiving a scholarship under § 6-82-312(a)" in (c)(1); substituted "6-82-312(b)" for "6-82-312(a)" in (c)(2); inserted "of a scholarship under § 6-82-312(a) or (b)" in (c)(3) and (c)(4); and added (c)(5).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (c)(4).

6-82-312. Scholarship amounts.

(a) An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship awarded to a new recipient who enrolls in an approved institution as a first-time entering freshmen shall be in an amount that equals the lesser of:

(1) Ten thousand dollars (\$10,000); or

(2) Tuition, room and board, and mandatory fees charged for a regular full-time course load by the approved institution in which the recipient is enrolled.

(b) A student selected as a recipient under § 6-82-306(b)(6)(B)(iii)(b) who enrolls in an approved institution as a first-time entering freshman after July 1, 2017, shall be awarded an amount per year that equals the lesser of:

(1) Five thousand dollars (\$5,000); or

(2) Tuition, room and board, and mandatory fees charged for a regular full-time course load by the approved institution in which the recipient is enrolled.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1989, No. 951, § 2; 1995, No. 189, § 1; 1995, No. 230, § 1; 1997, No. 489, § 6;

1999, No. 1562, § 4; 2001, No. 1761, § 8; **Amendments.** The 2017 amendment
2017, No. 1008, § 3. rewrote the section.

6-82-314. Withdrawal from school — Refund.

If a recipient of an Arkansas Governor’s Scholarship or Arkansas Governor’s Distinguished Scholarship withdraws from an approved private or public institution and under the policy of that institution the student is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund to which the student may be entitled to the Division of Higher Education to the extent of any amount the division has paid to the student for that academic year.

History. Acts 1983 (1st Ex. Sess.), No. 59, § 6; A.S.A. 1947, § 80-5906; Acts 2019, No. 910, § 2089.
Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” and substituted “division” for “department”.

SUBCHAPTER 4 — ARKANSAS HIGH TECHNOLOGY SCHOLARSHIP PROGRAM

- | | |
|---------------------------------------------------|--------------------------------------------|
| SECTION. | SECTION. |
| 6-82-401. Definitions. | 6-82-406. Award of scholarship. |
| 6-82-403. Administration — Authority of division. | 6-82-409. Term, allocation, and renewal. |
| 6-82-404. Eligibility and preferences. | 6-82-410. Withdrawal from school — Refund. |
| 6-82-405. Applicant’s responsibilities. | |

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2021, No. 217, § 3: Mar. 1, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that current students would qualify for scholarships based on the language of this act; and that this act is immediately necessary to ensure that current students who would qualify for scholarships based on the language of this act will not be denied scholarships for the upcoming school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-82-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Academic ability" means the intellectual standing of a student. In determining superior academic ability, the Division of Career and Technical Education shall examine the student's high school records, competitive examination scores, and demonstrated leadership capabilities;

(2) "Approved high technology program" means a course of instruction in a highly technical field offered by any postsecondary educational institution which is approved by the division;

(3) "Approved institution" means all postsecondary educational institutions offering high technology programs which are approved by the division;

(4) [Repealed.]

(5) "Full-time student" means a resident of Arkansas who is in attendance at an approved institution and who is enrolled for at least twelve (12) semester hours or such other reasonable academic equivalent as defined by the division; and

(6) "Scholarship" means an award to an eligible student for enrollment in an approved institution in the State of Arkansas.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 2; A.S.A. 1947, § 80-2591.1; Acts 2005, No. 1962, § 16; 2019, No. 910, § 2090.

substituted "Division of Career and Technical Education" for "Department of Career Education" in (1); substituted "division" for "department" in (2) and (3); and repealed (4).

Amendments. The 2019 amendment

6-82-403. Administration — Authority of division.

The Division of Career and Technical Education shall administer this subchapter and shall have the following authority and responsibility with respect thereto:

(1) To prepare application forms or such other forms as the division shall deem necessary to properly administer and carry out the purposes of this subchapter;

(2) To establish and consult as necessary with an advisory committee representing the public and private sectors of postsecondary education and secondary schools in determining guidelines and rules for the administration of the Arkansas High Technology Scholarship Program;

(3) To select recipients of scholarships awarded pursuant to the provisions of this subchapter;

(4) To establish the procedures for payment of scholarships to recipients; and

(5) To set a termination date for acceptance of applications.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 5; A.S.A. 1947, § 80-2591.4; Acts 2019, No. 315, § 403; 2019, No. 910, § 2091, 2092.

by No. 315 substituted "rules" for "regulations" in (2).

The 2019 amendment by No. 910 substituted "Division of Career and Technical Education" for "Department of Career

Amendments. The 2019 amendment

Education” in the introductory language; and substituted “division” for “department” in (1).

6-82-404. Eligibility and preferences.

(a) The scholarships shall be awarded to those students who demonstrate the highest capability for successful high technology study.

(b) A student is eligible for this scholarship if the individual:

(1) Has met the admission requirements and is accepted for enrollment as a full-time student in an approved institution;

(2) Has been a bona fide resident of the state prior to graduation from high school;

(3) Is a:

(A) Citizen of the United States;

(B) Permanent resident alien;

(C) Person who holds or is the child of a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit”; or

(D) Person who is a migrant from the Compact of Free Association Islands; and

(4) Satisfactorily meets the qualifications of superior academic ability as established by the Division of Career and Technical Education.

(c) The scholarship shall be weighed on the factors of achievement, ability, and demonstrated leadership capabilities.

(d) Preference will be given to a student who uses his or her award in the same year that graduation from high school occurs.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 4; A.S.A. 1947, § 80-2591.3; Acts 2019, No. 910, § 2093; 2021, No. 217, § 2.

Amendments. The 2019 amendment substituted “Division of Career and Tech-

nical Education” for “Department of Career Education” in (b)(4).

The 2021 amendment redesignated part of (b)(3) as (b)(3)(A) and (B); and added (b)(3)(C) and (D).

6-82-405. Applicant’s responsibilities.

Each applicant shall, in accordance with the provisions of this subchapter and the rules of the Division of Career and Technical Education:

(1) Complete and file with the division the appropriate application for the scholarship and such other information and data as may be requested by the division in determining the eligibility of the student;

(2) Furnish to the division information regarding any change in status of the student or any other information that might have a direct bearing on the eligibility of the applicant; and

(3) Provide the division with verification that the scholarship was used in accordance with the purposes of this subchapter.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 6; A.S.A. 1947, § 80-2591.5; Acts 2019, No. 315, § 404; 2019, No. 910, § 2094.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in the introductory language.

The 2019 amendment by No. 910 substituted “Division of Career and Technical

Education” for “Department of Career Education” in the introductory language; and substituted “division” for “department” throughout the section.

6-82-406. Award of scholarship.

A scholarship shall be awarded to the student in a manner to be determined by the Division of Career and Technical Education.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 3; A.S.A. 1947, § 80-2591.2; Acts 2019, No. 910, § 2095.

substituted “Division of Career and Technical Education” for “Department of Career Education”.

Amendments. The 2019 amendment

6-82-409. Term, allocation, and renewal.

(a) A scholarship may be awarded annually for a period not to exceed an academic year.

(b)(1) A scholarship shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institutions.

(2) In no instance may the entire amount of a grant for an educational year be paid to or on behalf of such student in advance.

(c) A scholarship shall be awarded for one (1) academic year and renewed annually for up to three (3) additional academic years if the student maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale, or an equivalent academic standing, and meets other criteria as established by the Division of Career and Technical Education.

History. Acts 1983 (1st Ex. Sess.), No. 86, §§ 3, 5; A.S.A. 1947, §§ 80-2591.2, 80-2591.4; Acts 2019, No. 910, § 2096.

substituted “Division of Career and Technical Education” for “Department of Career Education” in (c).

Amendments. The 2019 amendment

6-82-410. Withdrawal from school — Refund.

If a recipient of a scholarship withdraws from an approved institution and under the policy of that institution the student is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund to which the student may be entitled to the Division of Career and Technical Education, to the extent of any amount the division has paid to the student for that academic year.

History. Acts 1983 (1st Ex. Sess.), No. 86, § 5; A.S.A. 1947, § 80-2591.4; Acts 2019, No. 910, § 2097.

substituted “Division of Career and Technical Education” for “Department of Career Education” and substituted “division” for “department”.

Amendments. The 2019 amendment

SUBCHAPTER 5 — CHILDREN OF LAW ENFORCEMENT OFFICERS, ETC.

SECTION.
6-82-501. Definitions.
6-82-502. Rules.
6-82-506. Written application for ben-
efits.

SECTION.
6-82-507. Renewal of scholarship.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-82-501. Definitions.

As used in this subchapter:

- (1) “Child” or “children” means any natural child, adopted child, or stepchild who is eligible under § 6-82-504;
- (2) “Division of Community Correction employee” means any employee of the Division of Community Correction who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds that occurred through contact with parolees, probationers, or center residents;
- (3)(A) “Emergency medical services personnel” means an individual licensed by the Department of Health at any level established by the rules adopted by the State Board of Health under the Emergency Medical Services Act, § 20-13-201 et seq., and authorized to perform those services set forth in the rules.
(B) This shall include without limitation an emergency medical technician, advanced emergency medical technician, paramedic, emergency medical services instructor, or emergency medical services instructor trainer;
- (4) “Firefighter” means any firefighter employed on a full-time or volunteer duty status while actually engaged in the performance of his or her duties;
- (5) “Law enforcement officer” means a:
(A) Constable, which includes all duly elected constables of any beat of any county within the state while actually engaged in the performance of their duties concerning the criminal laws of the county and state;

(B) Game warden, which includes all appointed game wardens employed by the State of Arkansas on a full-time duty status while actually engaged in their duties concerning the game laws of this state;

(C) Municipal and college or university police officer, which includes all law enforcement officers of any municipality, college, or university who are regular duty personnel on full-time status and does not include auxiliary officers or those serving on a temporary or part-time status;

(D) Sheriff or deputy sheriff, which includes all law enforcement officers of full-time status on a regular basis serving the sheriff's department of any county but does not include deputy sheriffs who are engaged in administrative or civil duty or deputy sheriffs serving in a temporary capacity or part-time basis; and

(E) State highway patrolman, which includes any law enforcement officer, regardless of department or bureau, of the Division of Arkansas State Police;

(6) "State correction employee" means any employee of the Division of Correction or the Arkansas Correctional School District who becomes subject to injury through contact with inmates or parolees of the Division of Correction;

(7) "State forestry employee" means an employee of the Arkansas Forestry Commission who is actively engaged in his or her duties of fighting forest fires;

(8) "State highway employee" means any employee of the Arkansas Department of Transportation who actively engages in highway maintenance, construction, or traffic operations on the roadways and bridges of the state highway system while the roadways and bridges are open for use by the traveling public;

(9) "State parks employee" means any employee of the Department of Parks, Heritage, and Tourism who is a commissioned law enforcement officer or emergency response employee while actively engaged in the performance of his or her duties; and

(10) "Teacher" means any person employed by a public school for the purpose of giving instruction and whose employment requires state certification.

History. Acts 1973, No. 521, § 2; 1985, No. 420, § 1; A.S.A. 1947, § 80-3360; Acts 1993, No. 153, § 1; 1997, No. 547, § 8; 1999, No. 56, § 1; 1999, No. 1034, § 1; 2001, No. 113, § 1; 2007, No. 806, § 2; 2017, No. 707, § 7; 2019, No. 692, § 12; 2019, No. 910, §§ 685-687; 2021, No. 493, § 2.

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transportation Department" in (8).

The 2019 amendment by No. 692 rewrote (3).

The 2019 amendment by No. 910 substituted "Division of Community Correction" for "Department of Community Correction" twice in (2); substituted "Division of Correction" for "Department of Correction" twice in (6); and substituted "Department of Parks, Heritage, and Tourism" for "State Parks Division of the Department of Parks and Tourism" in (9).

The 2021 amendment substituted "Ar-

kansas Correctional School District” for “Corrections School System” in (6).

6-82-502. Rules.

The Arkansas Higher Education Coordinating Board is directed and empowered to promulgate rules as necessary to administer benefits awarded under this subchapter by the Arkansas State Claims Commission.

History. Acts 1973, No. 521, § 4; 1983 (1st Ex. Sess.), No. 47, § 1; A.S.A. 1947, § 80-3362; Acts 1997, No. 547, § 9; 2019, No. 315, § 405.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in the section heading and in the section.

6-82-506. Written application for benefits.

Any person claiming benefits awarded by the Arkansas State Claims Commission under the provisions of this subchapter shall make written application with the Division of Higher Education on forms provided by the division.

History. Acts 1973, No. 521, § 4; 1983 (1st Ex. Sess.), No. 47, § 1; A.S.A. 1947, § 80-3362; Acts 1997, No. 547, § 12; 2019, No. 910, § 2098.

substituted “Division of Higher Education” for “Department of Higher Education” and substituted “division” for “department”.

Amendments. The 2019 amendment

6-82-507. Renewal of scholarship.

To retain eligibility for a scholarship benefit under this subchapter, a recipient shall:

- (1) Maintain a minimum of a 2.0 grade point average on a 4.0 scholastic grading scale; and
- (2) Meet any other continuing eligibility criteria established by the Division of Higher Education.

History. Acts 2009, No. 1217, § 1; 2019, No. 910, § 2099.

substituted “Division of Higher Education” for “Department of Higher Education” in (2).

Amendments. The 2019 amendment

SUBCHAPTER 6 — CHILDREN OF VETERANS, PRISONERS OF WAR, ETC.

SECTION.

6-82-601. Tuition waiver for dependents of certain veterans — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-82-601. Tuition waiver for dependents of certain veterans — Definitions.

(a) As used in this section:

(1) "Dependent" means a spouse or any child born or conceived by, legally adopted by, or under the legal guardianship of a prisoner of war or person declared to be missing in action or killed in action or killed on ordnance delivery, or disabled veteran. The dependent child or spouse of a prisoner of war, veteran missing in action, or killed in action or killed on ordnance delivery, or disabled veteran must be a current resident of Arkansas. Stepchildren of the veteran are not eligible unless they have been legally adopted by the veteran or the veteran has been appointed as the legal guardian of the stepchild. A dependent child must meet the definition of dependent child as established by the United States Department of Education;

(2) "Disabled veteran" means a person who has been awarded special monthly compensation by the United States Department of Veterans Affairs for service-connected, one hundred percent (100%) total and permanent disability;

(3) "Ordnance delivery" means the piloting of or flying in an experimental or test aircraft while determining its fitness or ability to perform its military function or mission; and

(4)(A) "Prisoner of war", "person missing in action", "person killed in action", "person killed on ordnance delivery", and "disabled veteran" mean a person who was a resident of the State of Arkansas at the time that person entered the service of the United States Armed Forces or whose official residence is within the State of Arkansas and who, while serving in the United States Armed Forces, has been declared to be a prisoner of war, a person missing in action, or a person killed in action as established by the United States Secretary of Defense after January 1, 1960, or a person killed on ordnance delivery, or has been declared by the United States Department of Veterans Affairs to be totally and permanently disabled one hundred percent (100%) as a result of service-connected injuries or service-connected medical conditions.

(B) The defined terms under subdivision (a)(4)(A) of this section apply whether or not capture or death occurred during a declared war or as a result of hostile action.

(C) A death as result of injuries received while serving in the United States Armed Forces or Arkansas National Guard is only

covered by this statute if the death occurred while on active duty or state active duty.

(b) Each applicant must apply for the Survivors' and Dependents' Educational Assistance program, Chapter 35 of Title 38 of the United States Code, with the United States Department of Veterans Affairs. The applicant must provide the Division of Higher Education with proof of acceptance of the Survivors' and Dependents' Educational Assistance program or non-eligibility into the Survivors' and Dependents' Educational Assistance program upon application to the Survivors' and Dependents' Educational Assistance program.

(c) The Arkansas Higher Education Coordinating Board and the State Board of Education are directed, authorized, and empowered to promulgate and adopt such rules as are necessary to implement the provisions of this section.

(d)(1) Except as provided under subdivision (d)(2) of this section, a dependent of a disabled veteran, a prisoner of war, or a person declared to be missing in action or killed in action, or a person killed on ordnance delivery as defined by the provisions of this section, upon his or her being accepted for enrollment into any private, nonprofit institution of higher education in the State of Arkansas or state-supported institution of higher education in the State of Arkansas, may obtain a bachelor's degree for so long as he or she is eligible with state assistance for tuition, fees, or other charges as provided under this subsection.

(2)(A) The state assistance under this section is limited to the tuition, fees, or other charges that exceed the amount of monetary benefits that the dependent is eligible to receive from the Survivors' and Dependents' Educational Assistance program during the months included in each semester in which the dependent is enrolled.

(B) If the dependent is not eligible for monetary benefits from the Survivors' and Dependents' Educational Assistance program but is eligible for the benefits under this section, the dependent may obtain a bachelor's degree free of tuition, fees, or other charges from a private, nonprofit institution of higher education in this state or a state-supported institution of higher education.

(C) However, the state assistance awarded to a dependent attending a private, nonprofit institution of higher education in this state shall not exceed the maximum amount of state assistance awarded to dependents attending state-supported institutions of higher education.

(e) Once a person qualifies as a dependent under the terms and provisions of this section, there shall be no situation such as the return of the parent or the reported death of the parent that will remove the dependent from the provisions or benefits of this section.

(f) An eligible recipient shall receive a scholarship for one (1) academic year, renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the division.

(g) Any person receiving this scholarship as of June 30, 2007, will be grandfathered into the program under the law as stated prior to July 1, 2007.

(h) In compliance with the division's scholarship stacking policy, no student's total financial aid package, which can include multiple scholarships, can exceed the recognized cost of attendance at a higher education institution.

History. Acts 1973, No. 188, §§ 1-3; A.S.A. 1947, §§ 80-3363 — 80-3365; Acts 1987, No. 72, §§ 1, 2; 1989, No. 759, § 1; 2005, No. 2127, § 1; 2007, No. 717, § 1; 2009, No. 1216, § 1; 2019, No. 315, § 406; 2019, No. 462, § 4; 2019, No. 910, §§ 2100-2102; 2021, No. 988, § 1.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (c).

The 2019 amendment by No. 462 redesignated (a)(4) as (a)(4)(A) through (C); in (a)(4)(A), substituted "United States Armed Forces" for "armed forces" and substituted "United States Secretary of Defense" for "Secretary of Defense of the United States"; rewrote (a)(4)(B); and, in (a)(4)(C), inserted "or Arkansas National

Guard" and added "or state active duty"; and made a stylistic change.

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Arkansas Department of Higher Education" in (b); and substituted "Division of Higher Education" for "Department of Higher Education" in (f) and (h).

The 2021 amendment inserted "private, nonprofit institution of higher education in the State of Arkansas or" in (d)(1); substituted "may obtain" for "shall be allowed to obtain" in (d)(1) and (d)(2)(B); inserted "a private, nonprofit institution of higher education in this state or" in (d)(2)(B); added (d)(2)(C); and made stylistic changes.

SUBCHAPTER 11 — SECOND EFFORT SCHOLARSHIP PROGRAM

[Repealed.]

SECTION.

6-82-1101 — 6-82-1106. [Repealed.]

6-82-1101 — 6-82-1106. [Repealed.]

A.C.R.C. Notes. The repeal of § 6-82-1103 by Acts 2017, No. 1008, § 4, superseded the amendment of that section by Acts 2017, No. 275, § 7. Acts 2017, No. 275, § 7, provided that (b) would read:

"(b) A student shall be eligible for an award from this program if he or she meets all of the following criteria:

"(1) The recipient shall be at least eighteen (18) years of age or a former member of a high school class that has graduated;

"(2) The recipient has been a resident of the State of Arkansas for at least twelve (12) months prior to successful completion of a high school equivalency test;

"(3) The recipient is a citizen of the United States or a permanent resident alien;

"(4) The recipient is accepted for admission at an approved institution of higher

education as a freshman, as defined by the Department of Higher Education, and enrolls in an approved institution of higher education within eighteen (18) months following passage of a high school equivalency test;

"(5) The recipient has passed a high school equivalency test in the calendar year prior to application for the scholarship; and

"(6)(A) The recipient has scored in the top ten (10) of all Arkansans who took a high school equivalency test in the calendar year prior to application for the scholarship, as certified to the Department of Higher Education by the Adult Education Section of the Department of Career Education.

"(B) The Department of Higher Education may award a high school equivalency

scholarship to an otherwise eligible student who scored in the top twenty-five (25) on the previous calendar year's high school equivalency test if all test-takers scoring above the applicant on a high school equivalency test:

- “(i) Have received a scholarship;
- “(ii) Have not applied by the application deadline; or
- “(iii) Are otherwise ineligible to receive a scholarship.”

Publisher's Notes. This subchapter, concerning the Second Effort Scholarship Program, was repealed by Acts 2017, No. 1008, § 4. The subchapter was derived from the following sources:

6-82-1101. Acts 1991, No. 705, § 1; 1991, No. 717, § 1; 2015, No. 1115, § 13.
 6-82-1102. Acts 1991, No. 705, § 2; 1991, No. 717, § 2; 1995, No. 259, § 1; 1995, No. 262, § 1; 1997, No. 208, § 5.

6-82-1103. Acts 1991, No. 705, § 3; 1991, No. 717, § 3; 1995, No. 259, § 2; 1995, No. 262, § 2; 1999, No. 1323, § 45; 2015, No. 1115, § 14; 2017, No. 275, § 7.

6-82-1104. Acts 1991, No. 705, § 4; 1991, No. 717, § 4; 1995, No. 259, § 3; 1995, No. 262, § 3.

6-82-1105. Acts 1991, No. 705, § 5; 1991, No. 717, § 5; 1999, No. 1323, § 46; 2015, No. 1115, § 15.

6-82-1106. Acts 2015, No. 21, § 2.

SUBCHAPTER 12 — LAW ENFORCEMENT OFFICERS

SECTION.

6-82-1202. [Repealed.]

6-82-1204. Administration.

SECTION.

6-82-1206. Administration of the Arkansas Police Corps Program.

6-82-1202. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Police Corps Planning Commission, was repealed by Acts 2017, No. 497, § 1. The section was de-

rived from Acts 1991, No. 875, § 2; 1993, No. 315, § 1; 1997, No. 1203, § 2; 1999, No. 1223, § 1; 2001, No. 1692, § 11.

6-82-1204. Administration.

(a) The Arkansas Police Corps Planning Commission [abolished] is hereby designated as the state agency responsible for implementing any federal law enforcement scholarship program which may be established.

(b) The commission shall have authority to promulgate rules necessary for the administration and operation of any such program in the State of Arkansas.

History. Acts 1991, No. 875, § 4; 2001, No. 1692, § 11; 2019, No. 315, § 407.

Amendments. The 2019 amendment

deleted “and regulations” following “rules” in (b).

6-82-1206. Administration of the Arkansas Police Corps Program.

(a) The Department of Criminal Justice at the University of Arkansas at Little Rock is designated as the state lead agency responsible for implementing any federal scholarships or training programs that fall under the umbrella of the Police Corps Act, Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14091-14102.

(b) The department may promulgate rules necessary for the administration and operation of any such programs in the State of Arkansas, including the creation of the Police Corps Advisory Group, which shall:

(1) Serve as the body to review policies imposed by the United States Government and the rules developed by the department for the Arkansas Police Corps Program;

(2) Serve as the selection committee for program participants;

(3) Serve as the body to establish eligibility requirements for the program, within the parameters set by the United States Government;

(4) Serve as the body to establish the participant removal procedures for the program;

(5) Serve as the appeals committee for the program, should a training participant be removed for any reason; and

(6) Perform all other duties as needed.

(c) The chair of the department, who serves as the Director of the Arkansas Police Corps Program, or the director's designee shall serve as an ex officio member and as chair of the advisory group.

(d) Neither the director nor the director's designee shall sit on any appeals panel in cases involving removal of participants from the program.

(e) The advisory group shall meet at the call of the chair.

History. Acts 2003, No. 1296, § 2; 2019, No. 315, § 408. deleted "and regulations" following "rules" in the introductory language of (b).

Amendments. The 2019 amendment

SUBCHAPTER 15 — ARKANSAS GEOGRAPHICAL CRITICAL NEEDS MINORITY
TEACHER SCHOLARSHIP PROGRAM

SECTION.

6-82-1503. Eligibility for scholarship — Amount.

6-82-1504. Service requirement for scholarship recipients.

SECTION.

6-82-1505. Rules — Administration — Report.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-82-1503. Eligibility for scholarship — Amount.

(a)(1) The term “minority” when used in this subchapter shall refer to Black Americans, Hispanic Americans, Asian Americans, and Native Americans.

(2) The Native American group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(b) Any individual who is a minority and who is enrolled in or accepted for enrollment at a baccalaureate degree-granting institution of higher education whose teacher education program is approved by the State Board of Education or at an accredited state-supported community college in the State of Arkansas who expresses in writing an intention to teach in a geographical area of the state in which there exists a critical shortage of teachers, as designated by the state board, shall be eligible for a financial Critical Needs Minority Teacher Scholarship to be applied toward the costs of the individual’s college education, if:

(1) The applicant has a grade point average of 2.5 on a 4.0 scale in high school if the applicant graduated within the five (5) preceding years; and

(2) The applicant scored nineteen (19) or above on the ACT composite or the equivalent as defined by the University of Arkansas at Pine Bluff.

(c)(1) The university is authorized to develop selection criteria through Critical Needs Minority Teacher Scholarship Program rules, which combine an applicant’s ACT superscore, as defined by § 6-85-204, or ACT equivalent score and grade point average in the core curriculum into a selection index.

(2) Notwithstanding the provisions of subdivisions (b)(1) and (2) of this section, this selection index shall be employed as an alternative selection process for applicants who achieve a grade point average below 2.5 on a 4.0 scale or for applicants who have an ACT composite superscore or ACT equivalent score greater than nineteen (19).

(d)(1) The annual amount of the scholarship shall be one thousand five hundred dollars (\$1,500) per year.

(2) Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(e)(1) Awards granted under the Critical Needs Minority Teacher Scholarship Program shall be available to both full-time and part-time students.

(2) Students enrolling on a full-time basis may receive a maximum of four (4) annual awards.

(3) The maximum number of awards that may be made to students attending school on a part-time basis and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education shall be established by rules jointly promulgated by the university and the Division of Higher Education.

(f) Scholarships shall not be based upon an applicant's eligibility for financial aid.

History. Acts 2001, No. 1731, § 3; 2003, No. 1746, § 2; 2019, No. 315, §§ 409, 410; 2019, No. 910, § 2103; 2021, No. 743, § 2.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (c)(1) and (e)(3).

The 2019 amendment by No. 910 substituted "Division of Higher Education"

for "Department of Higher Education" in (e)(3).

The 2021 amendment, in (c)(1), inserted "superscore, as defined by § 6-85-204" and the second occurrence of "ACT"; in (c)(2), inserted "superscore" and the second occurrence of "ACT"; and made stylistic changes.

6-82-1504. Service requirement for scholarship recipients.

(a) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Minority Teacher Scholarship is eligible for employment as a licensed teacher, that person shall begin to render service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers or in the Mississippi Delta, as designated by the Division of Elementary and Secondary Education.

(b)(1) Any person who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render two (2) years' service as a licensed teacher.

(2) Any person who received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) school semester of service as a licensed teacher for each year that the person received a full-time student scholarship or for the number of academic hours equivalent to one (1) school year, as determined by the university, for which a part-time student received a scholarship.

(c) Students receiving a scholarship shall execute a note made payable to the university for an amount equal to the scholarship award each semester that shall bear interest at a rate to be determined by the Division of Higher Education beginning September 1 after completion of the program or immediately after termination of the scholarship loan, whichever is earlier.

(d)(1) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the note's terms for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered.

(2) Any person failing to complete his or her teaching obligation, as required under subsection (b) of this section, shall begin repaying the note according to the note's terms for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered, except in the case of a deferral of debt for cause approved by the State Board of Education if there is no employment position immediately available upon a teacher's completion of licensure requirements.

(3) After the period of the deferral, the person shall begin or resume teaching duties as required under this section or shall become liable on the note under this section.

(4) If a claim for payment under subsection (c) of this section is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(e) The obligations made by the recipient of a scholarship award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

History. Acts 2001, No. 1731, § 4; 2003, No. 1746, § 3; 2019, No. 910, §§ 2104, 2105.

Amendments. The 2019 amendment substituted "Division of Elementary and

Secondary Education" for "Department of Education" in (a); and substituted "Division of Higher Education" for "Department of Higher Education" in (c).

6-82-1505. Rules — Administration — Report.

(a) The University of Arkansas at Pine Bluff and the Division of Higher Education shall jointly promulgate rules necessary for the proper administration of the Critical Needs Minority Teacher Scholarship Program.

(b) The university shall be the administering agency of the program.

(c) If sufficient funds are not available to fully fund scholarship awards to all eligible students, the university shall make the awards to first-time students on a first-come, first-served basis. However, priority consideration shall be given to persons previously receiving awards under the program.

(d) All funds received by the university from the repayment of scholarship awards by program participants shall be deposited into the fund that provides funding for the program.

(e)(1) The university shall make an annual report to the General Assembly.

(2) Each report shall contain a complete enumeration of the:

- (A) Program's activities;
- (B) Scholarships granted;
- (C) Names of persons to whom granted;
- (D) Institutions attended by those receiving the scholarships; and
- (E) Teaching location of applicants who have received their education and become licensed teachers within this state as a result of the scholarships.

(3) The university shall make a full report and account of receipts and expenditures for salaries and expenses incurred under this section.

(4) Upon its records and any published reports, the university shall distinguish among those recipients who:

- (A) Have paid their financial obligations in full;
- (B) Have breached their contracts but with the university's permission; and
- (C) Have breached their contracts and remain financially indebted to the state.

(f) The requirements of this subchapter are contingent on the funding available for the program.

(g) The university is authorized to determine the necessary procedures for the awarding of forgivable loans should the number of eligible applicants and recipients exceed the funds available, so long as the procedures are consistent with subsection (c) of this section.

History. Acts 2001, No. 1731, § 4; 2003, No. 1746, § 4; 2019, No. 315, § 411; 2019, No. 910, § 2106.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (a).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a).

SUBCHAPTER 16 — ARKANSAS WORKFORCE IMPROVEMENT GRANT PROGRAM

[Repealed.]

SECTION.

6-82-1601 — 6-82-1610. [Repealed.]

6-82-1612 — 6-82-1614. [Repealed.]

Effective Dates. Acts 2017, No. 316, § 6: Mar. 2, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the State of Arkansas is in need of a more educated and skilled workforce; that the Arkansas Future Grant Program created by this act will enable more Arkansas residents to obtain the necessary skills and training to drive this state’s economy forward; and that this act is immediately necessary to ensure that the Arkansas Future Grant Program is in

place for the 2017-2018 academic year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-82-1601 — 6-82-1610. [Repealed.]

Publisher’s Notes. These sections, concerning the Arkansas Workforce Improvement Grant Program, were repealed by Acts 2017, No. 316, § 2. The sections were derived from the following sources:

6-82-1601. Acts 2003, No. 1796, § 1.

6-82-1602. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 1.

6-82-1603. Acts 2003, No. 1796, § 1.

6-82-1604. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 2; 2015, No. 21, § 3.

6-82-1605. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 3; 2013, No. 1416, § 1; 2015, No. 1115, § 16.

6-82-1606. Acts 2003, No. 1796, § 1.

6-82-1607. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 4.

6-82-1608. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 5.

6-82-1609. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 6.

6-82-1610. Acts 2003, No. 1796, § 1.

6-82-1612 — 6-82-1614. [Repealed.]

Publisher's Notes. These sections, concerning the Arkansas Workforce Improvement Grant Program, were repealed by Acts 2017, No. 316, § 3. The sections were derived from the following sources:

- 6-82-1612. Acts 2003, No. 1796, § 1.
- 6-82-1613. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 8.
- 6-82-1614. Acts 2003, No. 1796, § 1.

SUBCHAPTER 17 — HIGHER EDUCATION OPPORTUNITIES GRANT PROGRAM
[Repealed.]

SECTION.
 6-82-1701 — 6-82-1710. [Repealed.]

A.C.R.C. Notes. Acts 2017, No. 316, § 5, provided: "An eligible student who is a Higher Education Opportunities Grant recipient as of the effective day of this act [March 2, 2017] shall continue to receive the grant under § 6-82-1701 et seq., as it existed on January 1, 2017."

Effective Dates. Acts 2017, No. 316, § 6: Mar. 2, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the State of Arkansas is in need of a more educated and skilled workforce; that the Arkansas Future Grant Program created by this act will enable more Arkansas residents to obtain the necessary skills and training to drive this state's

economy forward; and that this act is immediately necessary to ensure that the Arkansas Future Grant Program is in place for the 2017-2018 academic year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-82-1701 — 6-82-1710. [Repealed.]

Publisher's Notes. This subchapter, concerning the Higher Education Opportunities Grant Program, was repealed by Acts 2017, No. 316, § 4. The subchapter was derived from the following sources:

- 6-82-1701. Acts 2007, No. 1030, § 1.
- 6-82-1702. Acts 2007, No. 1030, § 1; 2009, No. 1213, § 1; 2015, No. 865, § 12; 2015, No. 1115, § 17.
- 6-82-1703. Acts 2007, No. 1030, § 1.

- 6-82-1704. Acts 2007, No. 1030, § 1; 2009, No. 1213, § 2.
- 6-82-1705. Acts 2007, No. 1030, § 1; 2009, No. 1213, § 3.
- 6-82-1706. Acts 2007, No. 1030, § 1.
- 6-82-1707. Acts 2007, No. 1030, § 1.
- 6-82-1708. Acts 2007, No. 1030, § 1.
- 6-82-1709. Acts 2007, No. 1030, § 1.
- 6-82-1710. Acts 2015, No. 21, § 4.

SUBCHAPTER 18 — ARKANSAS FUTURE GRANT PROGRAM

SECTION.
 6-82-1801. Definitions.
 6-82-1802. Establishment — Eligibility.
 6-82-1803. Arkansas Future Grant.

SECTION.
 6-82-1804. Recipients.
 6-82-1805. Rules.

A.C.R.C. Notes. Acts 2017, No. 316, § 5, provided: "An eligible student who is a Higher Education Opportunities Grant recipient as of the effective day of this act [March 2, 2017] shall continue to receive the grant under § 6-82-1701 et seq., as it existed on January 1, 2017."

Effective Dates. Acts 2017, No. 316, § 6: Mar. 2, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the State of Arkansas is in need of a more educated and skilled workforce; that the Arkansas Future Grant Program created by this act will enable more Arkansas residents to obtain the necessary skills and training to drive this state's economy forward; and that this act is immediately necessary to ensure that the Arkansas Future Grant Program is in place for the 2017-2018 academic year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during

which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-82-1801. Definitions.

As used in this subchapter:

(1) "Approved institution of higher education" means an institution of higher education approved by the Division of Higher Education to participate in the Arkansas Future Grant Program and that is:

- (A) A state-supported two-year or four-year college or university;
- (B) A state-supported technical institute;
- (C) An approved state-supported school of nursing; or
- (D) A private, nonprofit two-year or four-year college or university;

(2) "Approved state-supported school of nursing" means a state-supported school of nursing with its primary headquarters located in Arkansas that:

- (A) Prepares students as registered nurses;
- (B) Grants nursing diplomas;
- (C) Is eligible to participate in the federal student aid programs of the Higher Education Act of 1965, 20 U.S.C. § 1070 et seq.;
- (D) Is approved by the Arkansas State Board of Nursing;
- (E) Has been approved by the division as eligible to participate in the Arkansas Future Grant Program; and
- (F) Is not a two-year or four-year college or university;

(3) "Federal student financial assistance" means scholarships or grants awarded to a student as a result of:

(A) An approved Free Application for Federal Student Aid (FAFSA), including without limitation a Pell Grant; or

(B) The student's or other family member's service in the United States Armed Forces, including without limitation the Army National Guard or Air National Guard;

(4) "Private scholarship" means a scholarship or grant awarded by a private entity or donor; and

(5) "State-supported student financial assistance" means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement funded with state funds or net proceeds from the state lottery awarded by:

(A) The division; or

(B) A scholarship or grant awarded by an approved institution of higher education in this state funded, in whole or in part, by state funds, including without limitation:

(i) Scholarships awarded on the basis of entrance exam scores or high school academic achievement;

(ii) Tuition waivers based on age, military service, occupation, or other factors;

(iii) Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and

(iv) Any other publicly funded program under which students are not charged or are reimbursed by the approved institution of higher education for tuition, fees, books, or other costs of attendance.

History. Acts 2017, No. 316, § 1; 2019, No. 910, §§ 2107-2109; 2021, No. 388, § 1. tion" for "Department of Higher Education" throughout the section.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" throughout the section. The 2021 amendment added (1)(D).

6-82-1802. Establishment — Eligibility.

(a) There is established the Arkansas Future Grant Program within the Division of Higher Education.

(b) A student is eligible for an Arkansas Future Grant if the student is an Arkansas resident who:

(1) Meets one (1) of the following requirements:

(A) Has either:

(i) Graduated from an Arkansas:

(a) Public high school;

(b) Private high school; or

(c) Home school under § 6-15-501 et seq.; or

(ii) Received a high school equivalency diploma approved by the Adult Education Section; or

(B) Verifies that he or she has resided in Arkansas for the three (3) years immediately preceding application for the grant and has either:

(i) Graduated from an out-of-state:

(a) Public high school;

- (b) Private high school; or
- (c) Home school recognized by another state; or
- (ii) Received a high school equivalency diploma approved by another state;
- (2) Is enrolled part-time or full-time at an approved institution of higher education in a program of study that leads to an associate degree or a certification in a:
 - (A) Science, technology, engineering, accounting, finance, nursing, education, or mathematics field, including without limitation computer science, information technology, data analysis, or graphic design;
 - (B) Regional high-demand field; or
 - (C) State high-demand field; and
- (3) Has completed and submitted to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid.
 - (c) A student may continue to be eligible until the student has:
 - (1) Received the grant for five (5) academic semesters;
 - (2) Obtained an associate degree;
 - (3) Failed to maintain satisfactory academic progress, as determined by the approved institution of higher education in which the student is enrolled; or
 - (4) Failed to complete the mentoring or community service requirements under § 6-82-1804.

History. Acts 2017, No. 316, § 1; 2019, No. 618, § 1; 2019, No. 910, §§ 2110, 2111.

Amendments. The 2019 amendment by No. 618, in (b)(2)(A), inserted "accounting, finance, nursing, education", inserted "without limitation", and added "information technology, data analysis, or graphic design"; and added (b)(2)(C).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in (a); and substituted "Adult Education Section of the Division of Workforce Services" for "Department of Career Education" in (b)(1)(A)(ii).

6-82-1803. Arkansas Future Grant.

- (a)(1) An Arkansas Future Grant shall be in an amount equal to the tuition, fees, and other charges incurred by a student who meets the requirements under § 6-82-1802 to attend an approved institution of higher education less the amount the student receives in:
 - (A) State-supported student financial assistance;
 - (B) Federal student financial assistance; and
 - (C) Private scholarships.
- (2) If the approved institution of higher education in which the student is enrolled is a state-supported four-year institution of higher education or a private, nonprofit four-year institution of higher education, the total amount of tuition, fees, and other charges under subdivision (a)(1) of this section shall be calculated as the average cost

of tuition, fees, and other charges at approved institutions of higher education that are state-supported two-year institutions of higher education or private, nonprofit two-year institutions of higher education.

(b) The Division of Higher Education shall disburse the grant directly to the approved institution of higher education.

(c) The division shall award grants under this subchapter in the order in which the division receives applications from eligible students.

History. Acts 2017, No. 316, § 1; 2019, No. 910, § 2112; 2021, No. 388, § 2.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (b); and substituted "division" for "department" twice in (c).

The 2021 amendment, in (a)(2), inserted "state-supported four-year institution of higher education or a private, nonprofit" and "state-supported two-year institutions of higher education or private, nonprofit".

6-82-1804. Recipients.

(a) A student who receives an Arkansas Future Grant shall enter into a written agreement with the Division of Higher Education to:

(1)(A) Receive monthly mentoring from a mentor from an organization determined by the Division of Higher Education.

(B) A mentor under subdivision (a)(1)(A) of this section shall:

(i) Receive annual mentoring training:

(a) Developed by the Division of Higher Education; and

(b) Provided by a local volunteer group approved by the Division of Higher Education; and

(ii) Certify to the Division of Higher Education that at least one (1) time each semester the mentor has provided mentoring services by telephone, email, or in person to each student he or she is mentoring;

(2)(A) Complete at least ten (10) hours of community service each semester the student receives a grant.

(B)(i) A student may select a community service project that meets requirements developed by the Division of Higher Education.

(ii) An approved institution of higher education may provide community services opportunities designed to benefit the approved institution of higher education community or the broader local community.

(C) A student shall certify his or her community service to the approved institution of higher education by the last regular day of the semester the student received the grant; and

(3)(A) Reside in this state for three (3) consecutive years and be employed beginning within six (6) months after receiving an associate degree or a certification.

(B) The Division of Higher Education may defer the requirement under subdivision (a)(3)(A) of this section if:

(i) The Division of Higher Education, in consultation with the Division of Workforce Services, determines that there was no employ-

ment position available that would reasonably enable the student to meet this requirement; or

(ii) Special circumstances as determined by the Division of Higher Education exist.

(C) After the period of deferral, the student shall begin or resume working in this state or become subject to repayment under subsection (b) of this section.

(b) The written agreement under subsection (a) of this section shall provide that the grant converts into a loan and the student shall repay the grant amount:

(1) On a pro rata basis at an interest rate and on a schedule as determined by the Division of Higher Education for each year the student does not reside in this state for three (3) consecutive years and become employed beginning within six (6) months after receiving an associate degree or a certification; or

(2) In its entirety at an interest rate and on a schedule as determined by the Division of Higher Education if the recipient does not comply with the written agreement under subsection (a) of this section.

History. Acts 2017, No. 316, § 1; 2019, No. 618, §§ 2, 3; 2019, No. 910, §§ 166, 2113.

Amendments. The 2019 amendment by No. 618, substituted “semester” for “calendar month” in (a)(1)(B)(ii); and substituted “ten (10)” for “fifteen (15)” in (a)(2)(A).

The 2019 amendment by No. 910 substituted “Division of Workforce Services” for “Department of Workforce Services” in (a)(3)(B)(i); and substituted “Division of Higher Education” for “Department of Higher Education” throughout the section.

6-82-1805. Rules.

The Division of Higher Education shall promulgate rules to implement this subchapter.

History. Acts 2017, No. 316, § 1; 2019, No. 910, § 2114.

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education”.

SUBCHAPTER 19 — SCHOLARSHIPS FOR TEACHERS IN HIGH-NEED SUBJECT AREAS

SECTION.

6-82-1901. Scholarships for teachers in high-need subject areas.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that

these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Effi-

ciencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

6-82-1901. Scholarships for teachers in high-need subject areas.

(a)(1) A recipient of a scholarship under this subchapter who meets the requirements under subsection (b) of this section is eligible for a scholarship award of:

(A) Five thousand dollars (\$5,000) for the academic year in which the recipient either:

(i) Has earned at least fifty-seven (57) semester credit hours but less than eighty-seven (87) semester credit hours; or

(ii) Is classified as a junior by the approved institution of higher education in which the recipient is enrolled; and

(B) Five thousand dollars (\$5,000) for the academic year in which the recipient either:

(i) Has earned at least eighty-seven (87) semester credit hours but no more than one hundred twenty (120) semester credit hours unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120) semester credit hours; or

(ii) Is classified as a senior by the approved institution of higher education in which the recipient is enrolled.

(2) A recipient is eligible to receive a maximum aggregate scholarship award of ten thousand dollars (\$10,000) under subdivision (a)(1) of this section.

(b) To be eligible for a scholarship award under subdivision (a)(1) of this section, a recipient shall:

(1) Maintain a postsecondary grade point average of 3.0 or higher on a 4.0 scale at an approved institution of higher education;

(2) Be enrolled in a teacher education program at a four-year approved institution of higher education;

(3) Complete and submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid; and

(4)(A) Enter into a written agreement with the Division of Higher Education to teach at a public school for a minimum of five (5) consecutive years in a high-need subject area as determined under subdivision (b)(4)(B) of this section.

(B) A recipient shall be deemed to be teaching in a high-need subject area if the subject area in which the recipient is employed to teach was determined by the Division of Elementary and Secondary Education to be a high-need subject area in:

(i) The year the recipient entered into the agreement with the Division of Higher Education under subdivision (b)(4)(A) of this section;

(ii) Any year the recipient received a scholarship award under this subchapter; or

(iii) The year the recipient is licensed as a teacher by the State Board of Education.

(c) The written agreement entered into by the recipient and the Division of Higher Education under subdivision (b)(3) of this section shall provide that the recipient:

(1) Shall seek licensure as a teacher from the State Board of Education within one (1) year of completing the teacher education program and earning a degree; and

(2) Shall repay the scholarship award amount:

(A) On a pro rata basis at an interest rate and on a schedule as determined by the Division of Higher Education for each year the recipient does not teach at a public school in a high-need subject area if the recipient does not teach at a public school in a high-need subject area as determined by the Division of Elementary and Secondary Education for five (5) consecutive years after first becoming employed as a licensed teacher; or

(B) In its entirety at an interest rate and on a schedule as determined by the Division of Higher Education if the recipient does not:

(i) Obtain licensure as a teacher from the State Board of Education within one (1) year of completing the teacher education program and earning a degree;

(ii) Begin work at a public school as a licensed teacher in a high-need subject area, as determined by the Division of Elementary and Secondary Education, in the academic year immediately following becoming licensed; or

(iii) Teach at a public school in a high-need subject area as determined by the Division of Elementary and Secondary Education in the recipient's first year as a licensed teacher.

(d)(1) The Division of Higher Education may defer the requirements under subdivisions (c)(2)(B)(ii) and (iii) of this section if the Division of Higher Education, in consultation with the Division of Elementary and Secondary Education, determines that there was no employment position available at a public school that would reasonably enable the recipient to meet the requirements.

(2) After the period of deferral, the recipient shall begin or resume teaching at a public school in a high-need subject area or become subject to repayment under subdivision (c)(2) of this section.

(e)(1) By March 1 of each year, the Division of Elementary and Secondary Education shall provide to the Division of Higher Education a maximum on the number of scholarships that should be awarded under this subchapter for the following academic year based on the projected needs of licensed teachers at public schools in high-need subject areas.

(2) The Division of Higher Education shall not award for an academic year more scholarships than the maximum number provided by the Division of Elementary and Secondary Education under subdivision (e)(1) of this section.

(f) If the Division of Higher Education receives applications from more qualified applicants than the number of scholarships available or if funds are not available to award scholarships to all qualified applicants, the Division of Higher Education shall award the scholarships on a competitive basis as determined by the Division of Higher Education.

(g) If a recipient of a scholarship under this subchapter withdraws from an approved institution of higher education so that under the rules of that approved institution of higher education the recipient is entitled to a refund of any tuition, fees, or other charges, the approved institution of higher education shall pay the refund to which the recipient may be entitled to the Division of Higher Education to the extent of any amount the Division of Higher Education has paid to the recipient for that academic year.

(h) The Division of Higher Education shall promulgate rules to implement this subchapter.

History. Acts 2017, No. 934, § 1; Acts 2019, No. 910, §§ 2115-2121; 2021, No. 331, § 3.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” and “Division of Elementary and Secondary Education” for “Department of Education” throughout the section.

The 2021 amendment inserted (b)(3); redesignated former (b)(3) as (b)(4); and updated internal references.

SUBCHAPTER 20 — GRADUATE MEDICAL EDUCATION RESIDENCY EXPANSION BOARD

SECTION.

6-82-2001. Graduate Medical Education Residency Expansion Board.

6-82-2002. Planning grants — Definition.

6-82-2003. Planning grants for program expansion or new programs.

SECTION.

6-82-2004. Priority of planning grants — Adjustment of amounts.

6-82-2005. Planning grants for additional years of residency.

6-82-2001. Graduate Medical Education Residency Expansion Board.

(a) There is established the Graduate Medical Education Residency Expansion Board, which shall administer the program under this subchapter and shall be composed of:

(1) One (1) representative from each medical school institution in Arkansas;

(2) One (1) physician member appointed by the Arkansas State Medical Board, giving preference to a physician who has received a

rural medical practice loan, a community match loan, or an income incentive;

(3) Two (2) representatives appointed by the Arkansas Hospital Association, Inc.; and

(4) One (1) representative from the Accreditation Council for Graduate Medical Education-designated sponsoring institution in this state that has the largest number of residency positions approved by the Accreditation Council for Graduate Medical Education.

(b) The Graduate Medical Education Residency Expansion Board shall:

(1) Promulgate rules necessary to execute this subchapter, including without limitation rules that address the requirements and are in conformance with the requirements of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

(2) Prescribe forms for and regulate the submission of grant applications;

(3) Determine the eligibility of applicants;

(4) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(5) Accept gifts, grants, bequests, or devises and apply them as a part of the program under this subchapter;

(6) Sue and be sued as the Graduate Medical Education Residency Expansion Board; and

(7) Accept moneys from federal programs that may be used for furtherance of the purposes of this subchapter.

(c) The members of the Graduate Medical Education Residency Expansion Board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(d) The Division of Higher Education shall administer the Graduate Medical Education Fund under § 19-5-1265 and disburse the funds at the direction of the Graduate Medical Education Residency Expansion Board under this subchapter.

(e) The term of office of a member of the Graduate Medical Education Residency Expansion Board shall be for a single term of three (3) years.

History. Acts 2019, No. 854, § 1; 2021, No. 1080, §§ 1, 2. for “Two (2) physician members” in (a)(2); added (a)(4) and (e); and made stylistic changes.

Amendments. The 2021 amendment substituted “One (1) physician member”

6-82-2002. Planning grants — Definition.

(a) As used in this subchapter, a “planning grant” is a grant awarded by the Graduate Medical Education Residency Expansion Board to eligible entities and individuals under this subchapter.

(b) The board shall:

(1) Allocate funds appropriated for purposes of this subchapter;

(2) Award a one-time planning grant under this section to an entity in this state that:

(A) Is in the process of creating a graduate medical education program; or

(B) Is expanding an existing graduate medical education program;

(3) Award planning grants on a competitive basis according to the criteria adopted by the board under its rules; and

(4) Determine the number of planning grants awarded and the amount of each planning grant.

(c)(1) An application for a planning grant under this section shall be submitted by an entity to the board no later than July 15 of the year preceding the year for which the planning grant will be used.

(2) The board shall award a planning grant to an eligible entity under this section no later than August 15 of the year in which the eligible entity's application was submitted.

(d) An entity that is awarded a planning grant under this section and establishes additional first-year residency positions after the receipt of a planning grant is eligible for additional funds for each position established.

History. Acts 2019, No. 854, § 1; 2021, No. 1080, § 3.

Amendments. The 2021 amendment, in (b)(2)(A), substituted "Is in the process of creating" for "Has never had" and sub-

stituted "or" for "and" at the end; and, in (b)(2)(B), substituted "Is expanding an existing" for "Is eligible for Medicare funding of" and added "program".

6-82-2003. Planning grants for program expansion or new programs.

(a) The Graduate Medical Education Residency Expansion Board shall award planning grants to enable entities with existing graduate medical education programs to:

(1) Increase the number of first-year residency positions; and

(2) Provide for the establishment of new graduate medical education programs with first-year residency positions.

(b) The board shall determine the number of planning grants awarded under this section and the amount of each planning grant awarded under this section.

(c) A planning grant under this section shall be used to support the direct resident costs to the graduate medical education program, including without limitation stipends and benefits.

(d) An entity applying for a planning grant under this section shall:

(1) Include a plan for receiving accreditation for the increased number of residency positions or for the new graduate medical education program, as applicable; and

(2) Be submitted to the board no later than October 1 preceding the academic year for which the planning grant is made.

(e) The board shall:

(1) Award a planning grant under this section no later than January 1 of the year in which the planning grant will be used; and

(2) Distribute a planning grant amount for a residency position under this section only upon receiving verification that the applicable residency position has been filled.

(f)(1) A planning grant awarded under this section shall be in effect for no more than three (3) consecutive fiscal years.

(2) For each first-year residency position for which an entity with a graduate medical education program receives an initial planning grant under this section, the board shall award the entity with the graduate medical education program an equal planning grant amount for the following fiscal year, not to exceed three (3) fiscal years.

History. Acts 2019, No. 854, § 1.

6-82-2004. Priority of planning grants — Adjustment of amounts.

(a) If the Graduate Medical Education Residency Expansion Board determines that the number of first-year residency positions proposed by eligible applicants under § 6-82-2003 exceeds the amount of funding appropriated for the planning grants under this subchapter, the board:

(1) May give priority for up to fifty percent (50%) of the funded first-year residency positions to be in:

(A) Primary care; or

(B) A field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board based on the Association of American Medical Colleges State Physician Workforce Data Report; and

(2) Shall not reduce planning grant amounts awarded for each resident position, but may proportionately reduce the number of positions funded for each graduate medical education program.

(b) If the board determines that, based on the applications it has received for planning grants under § 6-82-2003, the entire appropriation for planning grants under this subchapter shall not be awarded for a particular year, the board may transfer and use the funds appropriated to award planning grants under § 6-82-2002.

History. Acts 2019, No. 854, § 1; 2021, No. 1080, § 4.

Amendments. The 2021 amendment deleted “primary care or other critical

shortage areas in this state” following “residency positions to be in” in (a)(1); and added (a)(1)(A) and (a)(1)(B).

6-82-2005. Planning grants for additional years of residency.

(a) If the Graduate Medical Education Residency Expansion Board determines that funds appropriated under this subchapter are available after all eligible planning grant applications under §§ 6-82-2002 and 6-82-2003 have been funded, the board shall award planning grants from excess funds to support medical residents who:

(1) Have completed at least three (3) years of residency; and

(2) Are enrolled in a residency program in a field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board.

(b) The board shall determine the following with respect to planning grants under this section:

- (1) The amount of a planning grant awarded under this section;
- (2) The number of planning grants awarded under this section; and
- (3) The residency fields in which recipients of planning grants under this section work.

(c) A planning grant under this section shall be used to support the direct resident costs to the graduate medical education program, including without limitation stipends and benefits.

(d) The board shall distribute a planning grant amount for a residency position under this section only upon receiving verification that the applicable residency position has been filled.

History. Acts 2019, No. 854, § 1.

SUBCHAPTER 21 — ARKANSAS FORESTERS FOR THE FUTURE SCHOLARSHIP PROGRAM ACT OF 2021

SECTION.

6-82-2101. Title.

6-82-2102. Establishment.

SECTION.

6-82-2103. Eligibility.

6-82-2101. Title.

This subchapter shall be known and may be cited as the “Arkansas Foresters for the Future Scholarship Program Act of 2021”.

History. Acts 2021, No. 399, § 1.

6-82-2102. Establishment.

There is created and established a program to be known as the “Arkansas Foresters for the Future Scholarship Program”.

History. Acts 2021, No. 399, § 1.

6-82-2103. Eligibility.

(a) An individual is eligible for an Arkansas Foresters for the Future Scholarship under this subchapter if the individual has enrolled:

- (1) As a full-time first-time freshman in a state-supported institution of higher education; and
- (2) In a forestry program of study that is accredited by the Society of American Foresters and is within the state-supported institution of higher education in which the individual is enrolled.

(b)(1) To be considered as a recipient of the Arkansas Foresters for the Future Scholarship under this subchapter, an individual shall submit:

- (A) An approved application; and
- (B) A high school transcript.

(2) The application to be submitted by individuals under subdivision (b)(1)(A) of this section shall be created and approved by the Department of Agriculture, Forestry Division.

(3) The division may select individuals who have submitted the required application materials under subdivision (b)(1) of this section for interviews before choosing the recipient of the Arkansas Foresters for the Future Scholarship under this subchapter.

(c) To maintain eligibility for an Arkansas Foresters for the Future Scholarship under this subchapter, a recipient shall maintain a full-time status as a freshman, sophomore, junior, or senior in the forestry program of study within the state-supported institution of higher education in which the individual is enrolled.

History. Acts 2021, No. 399, § 1.

CHAPTER 84

ARKANSAS BRIGHTER FUTURE FUND PLAN

SECTION.

- 6-84-101. Title.
- 6-84-102. Purpose.
- 6-84-103. Definitions.
- 6-84-104. Creation of the Arkansas Brighter Future Fund Plan Trust.
- 6-84-105. Administration — Authority — Powers.
- 6-84-106. Investment direction.
- 6-84-107. Accounts.
- 6-84-108. Naming of designated benefi-

SECTION.

- ciary and transfers of accounts.
- 6-84-109. Account withdrawals.
- 6-84-110. Prohibitions.
- 6-84-111. Funds exempt from tax — Definitions.
- 6-84-112. Limitation on liability.
- 6-84-113. Liberal construction.
- 6-84-114. Aspiring Scholars Matching Grant Program.

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Acts 2017, No. 547, § 2: Mar. 21, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act amends the powers and authority of the members of the Section 529 Plan Review Committee to clarify ambiguities in the law; that clarification of the law is necessary for the efficient and effective opera-

tion of the Arkansas Tax-Deferred Tuition Savings Program; and that this act is immediately necessary because it is in the best interests of the state and Arkansas residents to provide for the most efficient use of state resources in managing and operating the Arkansas Tax-Deferred Tuition Savings Program. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of

the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations

of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

6-84-101. Title.

This chapter shall be known and may be cited as the “Arkansas Brighter Future Fund Plan Act”.

History. Acts 1999, No. 996, § 1; 2003, No. 515, § 1; 2021, No. 966, § 1.

Amendments. The 2021 amendment

substituted “Arkansas Brighter Future Fund Plan Act” for “Arkansas Tax-Deferred Tuition Savings Program Act”.

6-84-102. Purpose.

It is the intent and purpose of this chapter to create and establish the Arkansas Brighter Future Fund Plan pursuant to 26 U.S.C. § 529, as in effect on January 1, 2020, to be administered by the Section 529 Plan Review Committee through the adoption of rules for the administration of the plan.

History. Acts 1999, No. 996, § 2; 2003, No. 515, § 1; 2007, No. 218, § 1; 2011, No. 787, § 1; 2015, No. 580, § 1; 2017, No. 155, § 1; 2017, No. 884, § 1; 2018 (2nd Ex. Sess.), No. 8, § 1; 2018 (2nd Ex. Sess.), No. 15, § 1; 2019, No. 315, § 412; 2021, No. 966, § 2.

Amendments. The 2017 amendment by No. 155 substituted “January 1, 2017” for “January 1, 2015”.

The 2017 amendment by No. 884 substituted “January 1, 2017” for “January 1, 2015”.

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted “January 1, 2018” for “January 1, 2017”.

The 2019 amendment deleted “and regulations” following “rules”.

The 2021 amendment substituted “Arkansas Brighter Future Fund Plan” for “Arkansas Tax-Deferred Tuition Savings Program”, substituted “January 1, 2020” for “January 1, 2018”, and substituted “plan” for “program” following “administration of the”.

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-103. Definitions.

As used in this chapter:

(1) "Account" means an account established in accordance with this chapter;

(2) "Account owner" means the person who, under this chapter or the rules promulgated by the Section 529 Plan Review Committee, is entitled to select or change the designated beneficiary of an account, to designate any person other than the designated beneficiary to whom funds may be paid from the account, or to receive distributions from the account if no other person is designated;

(3) "Act" means the Arkansas Brighter Future Fund Plan Act, § 6-84-101 et seq.;

(4)(A) "Arkansas Brighter Future Fund Plan Trust" or "trust" means the trust created under § 6-84-104.

(B) Participation in the trust shall be open to Arkansas residents and nonresidents alike;

(5) "Committee" means the Section 529 Plan Review Committee, provided for in § 6-84-105, which shall oversee the administration of the Arkansas Brighter Future Fund Plan and ensure that the plan complies with the provisions of this chapter and acts in accordance with 26 U.S.C. § 529, as in effect on January 1, 2020;

(6) "Contribution" means:

(A) Any payment directly allocated to an account for the benefit of a designated beneficiary or used to pay administrative fees associated with an account; and

(B) That portion of any rollover amount treated as a contribution under 26 U.S.C. § 529, as in effect on January 1, 2020;

(7) "Contributor" means any person making a contribution to an account;

(8) "Designated beneficiary" means, except as provided in § 6-84-108, the individual designated at the time the account is opened as having the right to receive a qualified withdrawal for the payment of qualified higher education expenses or, if the designated beneficiary is replaced in accordance with § 6-84-108, the replacement;

(9) "Higher education institution" means an eligible education institution as defined in 26 U.S.C. § 135(c)(3), as in effect on January 1, 2018;

(10) "Member of the family" shall have the same meaning as is contained in 26 U.S.C. § 529, as in effect on January 1, 2020;

(11) "Nonqualified withdrawal" means a withdrawal from an account that is not:

(A) A qualified withdrawal;

(B) A withdrawal made as the result of the death or disability of the designated beneficiary;

(C) A withdrawal made as the result of a scholarship, allowance, or payment described in 26 U.S.C. § 135(d)(1)(B) or (d)(1)(C), as in effect on January 1, 2018, received by the designated beneficiary but

only to the extent of the amount of the scholarship, allowance, or payment; or

(D) A rollover or change in the designated beneficiary;

(12) "Person" means a person as defined in 26 U.S.C. § 529, as in effect on January 1, 2020;

(13) "Plan" means the Arkansas Brighter Future Fund Plan established by this chapter;

(14) "Qualified higher education expenses" means tuition and other permitted expenses as set forth in 26 U.S.C. § 529, as in effect on January 1, 2020, for the enrollment or attendance of a designated beneficiary;

(15) "Qualified tuition program" means a qualified tuition program as defined in 26 U.S.C. § 529, as in effect on January 1, 2020;

(16) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary but only if the withdrawal is made in accordance with the requirements of the plan; and

(17) "Rollover" means a disbursement or transfer from an account that is transferred to or deposited within sixty (60) calendar days of the transfer:

(A) Into an account of the same person for the benefit of the same designated beneficiary;

(B) To the credit of another person as a designated beneficiary if the transferee account was created under this chapter or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529, as in effect on January 1, 2020; or

(C)(i) Before January 1, 2026, into an ABLE account under 26 U.S.C. § 529A(e)(6), as in effect on January 1, 2020, of the designated beneficiary or a member of the family of the designated beneficiary.

(ii) Subdivision (17)(C)(i) of this section does not apply to so much of a distribution which, when added to all other contributions made to the ABLE account for the taxable year, exceeds the limitation under 26 U.S.C. § 529A(b)(2)(B)(i), as in effect on January 1, 2020.

History. Acts 1999, No. 996, § 3; 2003, No. 515, § 1; 2007, No. 218, § 2; 2011, No. 787, § 2; 2015, No. 580, §§ 2-5; 2017, No. 155, § 1; 2017, No. 884, §§ 2-5; 2018 (2nd Ex. Sess.), No. 8, § 1; 2018 (2nd Ex. Sess.), No. 15, § 1; 2021, No. 966, §§ 3-6.

Amendments. The 2017 amendment by No. 155 substituted "January 1, 2017" for "January 1, 2015" throughout the section.

The 2017 amendment by No. 884 substituted "January 1, 2017" for "January 1, 2015" throughout the section.

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted "January 1, 2018" for "January 1, 2017" throughout the section; substituted "§

529" for "§ 529(e)" in (10) and (14); substituted "(d)(1)(C)" for "(C)" in (11)(C); deleted "at a higher education institution" from the end of (14); in (15), substituted "§ 529" for "§ 529(b)" and inserted "on"; redesignated former (17) as the introductory language of (17), (17)(A), and (17)(B); in (17)(B), added "To the credit of" and substituted "§ 529" for "529(c)"; added (17)(C); and made stylistic changes.

The 2021 amendment substituted "Arkansas Brighter Future Fund Plan Act" for "Arkansas Tax-Deferred Tuition Savings Program Act" in (3) and made similar changes throughout the section; substituted "Plan" for "Program" in (13); and substituted "January 1, 2020" for "Janu-

ary 1, 2018" in (5), (6), (10), (12), (14), (15), and throughout (17).

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-104. Creation of the Arkansas Brighter Future Fund Plan Trust.

(a) There is created the Arkansas Brighter Future Fund Plan Trust.

(b) The cotrustees of the trust shall be the Director of the Division of Higher Education, the Executive Director of the Arkansas Teacher Retirement System, and the Treasurer of State.

History. Acts 1999, No. 996, § 4; 2003, No. 515, § 1; 2019, No. 910, § 2122; 2021, No. 966, § 7.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (b).

The 2021 amendment substituted "Arkansas Brighter Future Fund Plan Trust" for "Arkansas Tax-Deferred Tuition Savings Program Trust" in (a).

6-84-105. Administration — Authority — Powers.

(a) This chapter shall be administered by the Section 529 Plan Review Committee, which shall be composed of:

(1) The Director of the Division of Higher Education;

(2) The Executive Director of the Arkansas Teacher Retirement System; and

(3) The Treasurer of State.

(b) The committee shall adopt such rules as it deems necessary and proper to administer this chapter and to ensure the compliance of the Arkansas Brighter Future Fund Plan with 26 U.S.C. § 529, as in effect on January 1, 2020.

(c) The committee shall have the following powers, duties, and functions:

(1) To establish, develop, implement, and maintain the plan in a manner consistent with the provisions of this chapter and 26 U.S.C. § 529, as in effect on January 1, 2020, and to obtain the benefits provided by 26 U.S.C. § 529 for the plan, account owners, and designated beneficiaries;

(2) To adopt rules for the general administration of the plan;

(3) To maintain, invest, and reinvest the funds contributed into the plan consistent with the investment restrictions established by the committee and the standard of care described in the prudent investor rule under § 24-2-610; and

(4)(A) To make and enter into any and all contracts, agreements, or arrangements and to retain, employ, and contract for the services of financial institutions, depositories, consultants, broker dealers, in-

vestment advisors or managers, third-party plan administrators, and research, technical, and other services necessary or desirable for carrying out the purposes of this chapter.

(B) Contracts entered into by the committee may be for a term of from one (1) to ten (10) years.

(d) The Treasurer of State shall provide office space, staff, and materials for the committee.

(e) A member of the committee may expend funds appropriated for the member of the committee to provide the following for the benefit of the plan:

- (1) Office space;
- (2) Staffing;
- (3) Materials;
- (4) Marketing;
- (5) Education;
- (6) Financial literacy programs; and
- (7) Outreach measures.

History. Acts 1999, No. 996, §§ 5, 6; 2003, No. 515, § 1; 2007, No. 218, § 3; 2011, No. 787, § 3; 2015, No. 580, §§ 6, 7; 2017, No. 155, §§ 2, 3; 2017, No. 547, § 1; 2017, No. 884, §§ 6, 7; 2018 (2nd Ex. Sess.), No. 8, § 2; 2018 (2nd Ex. Sess.), No. 15, § 2; 2019, No. 315, §§ 413, 414; 2019, No. 910, § 2123; 2021, No. 966, § 8.

Amendments. The 2017 amendment by No. 155 substituted “January 1, 2017” for “January 1, 2015” in (b) and (c)(1).

The 2017 amendment by No. 547 added (d) and (e).

The 2017 amendment by No. 884 substituted “January 1, 2017” for “January 1, 2015” in (b) and (c)(1).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted “January 1, 2018” for “January 1, 2017” in (b) and (c)(1).

The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b) and (c)(2).

The 2019 amendment by No. 910 substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1).

The 2021 amendment, substituted “Arkansas Brighter Future Fund Plan” for “Arkansas Tax-Deferred Tuition Savings Program” in (b); substituted “January 1, 2020” for “January 1, 2018” in (b) and (c); and substituted “plan” for “program” throughout (c).

Effective Dates. Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-106. Investment direction.

Except as permitted in 26 U.S.C. § 529, as in effect on January 1, 2020, no person shall have the right to direct the investment of any contributions to or earnings from the Arkansas Brighter Future Fund Plan.

History. Acts 1999, No. 996, § 8; 2003, No. 515, § 1; 2007, No. 218, § 4; 2011, No. 787, § 4; 2015, No. 580, § 8; 2017, No. 155, § 4; 2017, No. 884, § 8; 2018 (2nd Ex. Sess.), No. 8, § 2; 2018 (2nd Ex. Sess.), No. 15, § 2; 2021, No. 966, § 9.

Amendments. The 2017 amendment by No. 155 substituted “January 1, 2017” for “January 1, 2015”.

The 2017 amendment by No. 884 substituted “January 1, 2017” for “January 1, 2015”.

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted "January 1, 2018" for "January 1, 2017".

The 2021 amendment substituted "January 1, 2020" for "January 1, 2018" and substituted "Arkansas Brighter Future Fund Plan" for "Arkansas Tax-Deferred Tuition Savings Program".

Effective Dates. Acts 2015, No. 580,

§ 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-107. Accounts.

(a)(1) An account owner or contributor may establish an account by making an initial contribution to the Arkansas Brighter Future Fund Plan, signing an application form approved by the Section 529 Plan Review Committee and naming the account owner and the designated beneficiary.

(2) If the contributor is not the account owner, the account owner shall also sign the application form.

(3) Any person may make contributions to an account after the account is opened.

(4)(A) An Arkansas employer of an employee with an account established under this chapter may make a matching contribution to the account of the employee offered as an employee fringe benefit.

(B) The maximum contribution amount allowed under subdivision (a)(4)(A) of this section is five hundred dollars (\$500) per contributing employee per year.

(b) Contributions to an account shall be made only in cash.

(c) Total contributions to all accounts shall not exceed those reasonably necessary to provide for the qualified higher education expenses of the beneficiary, and the committee shall establish maximum contribution limits applicable to plan accounts.

(d) Separate records and accounting shall be required by the plan for each account, and reports shall be made no less frequently than annually to the account owner.

(e)(1) The plan shall be permitted to collect application, account, or administrative fees to defray the costs of the plan.

(2) The application, account, or administrative fees must be approved by the committee.

History. Acts 1999, No. 996, § 7; 2003, No. 515, § 1; Acts 2017, No. 884, § 9; 2021, No. 966, §§ 10-12.

Amendments. The 2017 amendment added (a)(4).

The 2021 amendment substituted "Arkansas Brighter Future Fund Plan" for

"Arkansas Tax-Deferred Tuition Savings Program" in (a)(1); and substituted "plan" for "program" in (c), (d), and twice in (e)(1).

6-84-108. Naming of designated beneficiary and transfers of accounts.

(a) An account owner shall have the right to name the designated beneficiary of an account and at any time to change the designated beneficiary of an account to another individual who is a member of the family of the former designated beneficiary.

(b) At the direction of an account owner, all or a portion of an account may be transferred to another account of which the designated beneficiary is a member of the family of the designated beneficiary of the transferee account if the transferee account was created by this chapter or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529, as in effect on January 1, 2020.

History. Acts 1999, No. 996, § 10; 2003, No. 515, § 1; 2007, No. 218, § 5; 2011, No. 787, § 5; 2015, No. 580, § 9; 2017, No. 155, § 5; 2017, No. 884, § 10; 2018 (2nd Ex. Sess.), No. 8, § 3; 2018 (2nd Ex. Sess.), No. 15, § 3; 2021, No. 966, § 13.

Amendments. The 2017 amendment by No. 155 substituted "January 1, 2017" for "January 1, 2015" in (b).

The 2017 amendment by No. 884 substituted "January 1, 2017" for "January 1, 2015" in (b).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted

"on January 1, 2018" for "January 1, 2017" in (b).

The 2021 amendment substituted "January 1, 2020" for "January 1, 2018" in (b).

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-109. Account withdrawals.

(a) Withdrawal from an account may be made on thirty (30) days' written notice by the account owner to the Section 529 Plan Review Committee or on shorter notice as the committee may by rule provide.

(b)(1) An account withdrawal paid to or for the benefit of any person during any calendar year shall be reported to the person and to the Internal Revenue Service.

(2) The report shall be made at the time required by the rules of the Internal Revenue Service as in effect on January 1, 2020, and contain such information as is required by law.

History. Acts 1999, No. 996, § 11; 2003, No. 515, § 1; 2007, No. 218, § 6; 2011, No. 787, § 6; 2015, No. 580, § 10; 2017, No. 155, § 6; 2017, No. 884, § 11; 2018 (2nd Ex. Sess.), No. 8, § 3; 2018 (2nd Ex. Sess.), No. 15, § 3; 2019, No. 315, § 415; 2021, No. 966, § 14.

Amendments. The 2017 amendment by No. 155 substituted "January 1, 2017" for "January 1, 2015" in (b)(2).

The 2017 amendment by No. 884 substituted "January 1, 2017" for "January 1, 2015" in (b)(2).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted "January 1, 2018" for "January 1, 2017" in (b)(2).

The 2019 amendment substituted "rule" for "regulation" in (a).

The 2021 amendment substituted

"January 1, 2020" for "January 1, 2018" in (b)(2).

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-110. Prohibitions.

(a)(1) Total contributions to all accounts established on behalf of a particular designated beneficiary in excess of those reasonably necessary to meet the designated beneficiary's qualified higher education expenses are prohibited.

(2) An employer matching contribution to the account of an employee with an account established under this chapter shall not exceed five hundred dollars (\$500) per contributing employee per year.

(b)(1) No account or any legal or beneficial interest in an account shall be assignable or pledged or otherwise used to secure or obtain a loan or other advancement.

(2) An account or any legal or beneficial interest in an account shall not be subject to attachment, levy, or execution by any creditor of an account owner or designated beneficiary.

History. Acts 1999, No. 996, § 9; 2003, No. 515, § 1; 2017, No. 884, § 12. redesignated former (a) as present (a)(1); and added (a)(2).

Amendments. The 2017 amendment

6-84-111. Funds exempt from tax — Definitions.

(a)(1) Except as otherwise indicated in this chapter, interest, dividends, and capital gains from funds invested in the Arkansas Brighter Future Fund Plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, shall be exempt from Arkansas income taxes.

(2) For purposes of this section:

(A) "Taxpayer employee" means an employee of an employer with an account established under this chapter; and

(B) "Taxpayer employer" means a person that employs an individual with an account established under this chapter.

(b)(1) Contributions to a tuition savings account established under this plan may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax under § 26-51-403(b).

(2)(A) The deductible contributions shall not exceed five thousand dollars (\$5,000) per taxpayer employee in any tax year.

(B) If the aggregate amount of contributions by a taxpayer during a tax year exceeds the limitation under subdivision (b)(2)(A) of this section, the unused aggregate amount may be carried forward to the next succeeding four (4) tax years.

(C) A taxpayer employer may make a matching contribution to the account of a taxpayer employee with an account established under this chapter that does not exceed five hundred dollars (\$500) per contributing employee per year.

(3) Contributions to this plan that have been deducted from the taxpayer employee's adjusted gross income for prior tax years shall be subject to recapture from the taxpayer employee if the taxpayer employee:

(A) Makes a subsequent nonqualified withdrawal from the account; or

(B) Rolls the account over to a tax-deferred tuition savings program established by another state or institution under 26 U.S.C. § 529, as in effect on January 1, 2020.

(4)(A) The contribution shall be recaptured by adding the amount previously deducted, not to exceed the amount of the nonqualified withdrawal or rollover, to the taxpayer employee's adjusted gross income for the tax year in which the nonqualified withdrawal or rollover occurred.

(B) The nonqualified withdrawal or rollover shall be taxable to the taxpayer employee, party, account owner, or designated beneficiary who actually makes the nonqualified withdrawal or rollover.

(c)(1)(A) For tax years beginning on or after January 1, 2017, contributions to a tuition savings account established under this plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2017, may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax under § 26-51-403(b).

(B) A taxpayer may not deduct from the taxpayer's adjusted gross income a contribution to a tax-deferred tuition savings program established by another state if the taxpayer deducted the contribution in another state or on another state's income taxes.

(2)(A) The deductible contributions for a tuition savings account established under this chapter shall not exceed five thousand dollars (\$5,000) per taxpayer in any tax year.

(B) If the aggregate amount of contributions by a taxpayer during a tax year exceeds the limitation under subdivision (c)(2)(A) of this section, the unused aggregate amount may be carried forward to the next succeeding four (4) tax years.

(C) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2017, shall not exceed three thousand dollars (\$3,000) per taxpayer in any tax year.

(D) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2017, that are rolled over into a tuition savings account established under this chapter shall not exceed seven thousand five hundred dollars (\$7,500) per taxpayer in the tax year in which they were rolled over.

(d)(1)(A) For tax years beginning on or after January 1, 2018, contributions to a tuition savings account established under the plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2018, may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax under § 26-51-403(b).

(B) A taxpayer may not deduct from the taxpayer's adjusted gross income a contribution to a tax-deferred tuition savings program established by another state if the taxpayer deducted the contribution in another state or on another state's income taxes.

(2)(A) The deductible contributions for a tuition savings account established under this chapter shall not exceed five thousand dollars (\$5,000) per taxpayer in any tax year.

(B) If the aggregate amount of contributions by a taxpayer during a tax year exceeds the limitation under subdivision (d)(2)(A) of this section, the unused aggregate amount may be carried forward to the next succeeding four (4) tax years.

(C) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2018, shall not exceed three thousand dollars (\$3,000) per taxpayer in any tax year.

(D) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2018, that are rolled over into a tuition savings account established under this chapter shall not exceed seven thousand five hundred dollars (\$7,500) per taxpayer in the tax year in which they were rolled.

(e)(1)(A) For tax years beginning on and after January 1, 2021, contributions to a tuition savings account established under the plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax under § 26-51-403(b).

(B) A taxpayer may not deduct from the taxpayer's adjusted gross income a contribution to a tax-deferred tuition savings program established by another state if the taxpayer deducted the contribution in another state or on another state's income taxes.

(2)(A) The deductible contributions for a tuition savings account established under this chapter shall not exceed five thousand dollars (\$5,000) per taxpayer in any tax year.

(B) If the aggregate amount of contributions by a taxpayer during a tax year exceeds the limitation under subdivision (e)(2)(A) of this section, the unused aggregate amount may be carried forward to the next succeeding four (4) tax years.

(C) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, shall not exceed three thousand dollars (\$3,000) per taxpayer in any tax year.

(D) The deductible contributions for a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, that are rolled over into a tuition savings account established under this chapter shall not exceed seven thousand five hundred dollars (\$7,500) per taxpayer in the tax year in which they were rolled over.

(f)(1) Qualified withdrawals from a tuition savings account established under this plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, will be exempt from Arkansas income tax with respect to the designated beneficiary's income.

(2)(A) Nonqualified withdrawals from a tuition savings account established under this plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, will be subject to Arkansas income tax.

(B) The nonqualified withdrawal will be taxable to the party, account owner, or designated beneficiary who actually makes the withdrawal.

(g) Any earnings on the contribution that are included in the refund will be subject to Arkansas income tax if an account owner receives a refund of contributions to a tuition savings account established under this plan or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529, as in effect on January 1, 2020, because of either:

(1) The death or disability of the designated beneficiary; or

(2) A scholarship, allowance, or payment described in 26 U.S.C. § 135(d)(1)(B) or (d)(1)(C), as in effect on January 1, 2018, received by the designated beneficiary.

History. Acts 1999, No. 996, § 13; 2003, No. 515, § 1; 2003, No. 663, § 1; 2005, No. 1973, § 1; 2007, No. 218, § 7; 2011, No. 787, § 7; 2015, No. 580, § 11; 2017, No. 155, § 7; 2017, No. 481, § 1; 2017, No. 883, § 1; 2017, No. 884, § 13; 2018 (2nd Ex. Sess.), No. 8, § 4; 2018 (2nd Ex. Sess.), No. 15, § 4; 2021, No. 966, §§ 15-20.

Amendments. The 2017 amendment by No. 155 substituted "January 1, 2017" for "January 1, 2015" throughout the section.

The 2017 amendment by No. 481 redesignated (b)(2) as (b)(2)(A) and added (b)(2)(B) [now (b)(2)(B) and (c)(2)(B)].

The 2017 amendment by No. 883 redesignated (b)(1) as (b)(1)(A) [now (c)(1)(A)]; inserted "or a tax-deferred tuition savings program established by another state under 30 U.S.C. § 529, as it existed on January 1, 2017" in (b)(1)(A) [now (c)(1)(A)]; added (b)(1)(B) [now (c)(1)(B)];

redesignated (b)(2) as (b)(2)(A) [now (c)(2)(A)]; inserted "for a tuition savings account established under this subchapter" in (b)(2)(A) [now (c)(2)(A)]; and added (b)(2)(B) and (C) [now (c)(2)(C) and (D)].

The 2017 amendment by No. 884 substituted "January 1, 2017" for "January 1, 2015" throughout the section; redesignated (a) as (a)(1); added (a)(2); redesignated (b)(2) as (b)(2)(A); inserted "employee" in (b)(2)(A); added (b)(2)(B) [now (b)(2)(C)]; in the introductory language of (b)(3), substituted "taxpayer employee's" for "taxpayer's", inserted "from the taxpayer employee", and substituted "taxpayer employee" for "taxpayer"; redesignated (b)(4) as (b)(4)(A); substituted "taxpayer employee's" for "taxpayer's" in (b)(4)(A); and added (b)(4)(B).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted "January 1, 2018" for "January 1, 2017" in (a)(1), (b)(3)(B), (e)(1), (e)(2)(A), and twice

in (f); inserted present (d) and redesignated the remaining subsections accordingly; and substituted “(d)(1)(C)” for “(C)” in (f)(2).

The 2021 amendment substituted “Arkansas Brighter Future Fund Plan” for “Arkansas Tax-Deferred Tuition Savings Program Act” in (a)(1) and substituted “plan” for “program” where applicable; deleted “For tax years beginning on or after January 1, 2005” from the beginning of (b)(1); inserted (e), and redesignated former (e) and (f) as (f) and (g); and substi-

tuted “January 1, 2020” for “January 1, 2018” in (a)(1), (b)(3)(B), (f)(1), (f)(2)(A), and (g).

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-112. Limitation on liability.

Neither the Arkansas Brighter Future Fund Plan, the Section 529 Plan Review Committee and each of its members, nor the state shall insure any account or guarantee any rate of return or any interest rate on any contribution, nor shall they or any one of them be liable for any loss incurred by any person as a result of participating in the plan.

History. Acts 1999, No. 996, § 8; 2003, No. 515, § 1; 2021, No. 966, § 21.

Amendments. The 2021 amendment substituted “Arkansas Brighter Future

Fund Plan” for “Arkansas Tax-Deferred Tuition Savings Program” and “plan” for “program”.

6-84-113. Liberal construction.

This chapter shall be liberally construed to comply with the requirements of 26 U.S.C. § 529, as in effect on January 1, 2020.

History. Acts 1999, No. 996, § 12; 2003, No. 515, § 1; 2007, No. 218, § 8; 2011, No. 787, § 8; 2015, No. 580, § 12; 2017, No. 155, § 8; 2017, No. 884, § 14; 2018 (2nd Ex. Sess.), No. 8, § 5; 2018 (2nd Ex. Sess.), No. 15, § 5; 2021, No. 966, § 22.

Amendments. The 2017 amendment by No. 155 substituted “January 1, 2017” for “January 1, 2015”.

The 2017 amendment by No. 884 substituted “January 1, 2017” for “January 1, 2015”.

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 8 and 15 substituted “January 1, 2018” for “January 1, 2017”.

The 2021 amendment substituted “January 1, 2020” for “January 1, 2018”.

Effective Dates. Acts 2015, No. 580, § 21: effective for tax years beginning on or after January 1, 2014.

Acts 2017, No. 155, § 25: effective for tax years beginning on and after January 1, 2015.

Identical Acts 2018 (2nd Ex. Sess.), Nos. 8 and 15, § 6: effective for tax years beginning on or after January 1, 2018.

6-84-114. Aspiring Scholars Matching Grant Program.

(a) The Section 529 Plan Review Committee shall develop and implement a pilot program to be known as the “Aspiring Scholars Matching Grant Program” that uses available administrative funds to match a contribution made into an account for a designated beneficiary under this subchapter.

(b)(1) An advisory committee shall advise the Section 529 Plan Review Committee on the development and implementation of the Aspiring Scholars Matching Grant Program.

(2) The advisory committee shall consist of three (3) members as follows:

(A) One (1) member appointed by the Chair of the Senate Committee on Education;

(B) One (1) member appointed by the Chair of the House Committee on Education; and

(C) One (1) member appointed by the Governor.

(c) An Arkansas Brighter Future Fund Plan account shall be exempt for purposes of determining eligibility for transitional employment assistance, Medicaid, and food stamps, provided that the federal rules for these programs permit such an exemption.

History. Acts 2007, No. 597, § 1; 2021, No. 966, § 23.

substituted “Brighter Future Fund Plan” for “Tax Deferred Tuition Savings Program” in (c).

Amendments. The 2021 amendment

CHAPTER 85

ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

SUBCHAPTER.

1. ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM — PART 1. [REPEALED.]
2. ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM.
3. ARKANSAS WORKFORCE CHALLENGE SCHOLARSHIP PROGRAM.
4. ARKANSAS CONCURRENT CHALLENGE SCHOLARSHIP PROGRAM.
5. PROCEDURAL REQUIREMENTS FOR CREATING OR AMENDING LOTTERY-FUNDED SCHOLARSHIPS.

SUBCHAPTER 1 — ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM — PART 1

[Repealed.]

SECTION.

6-85-101 — 6-85-111. [Repealed.]

6-85-101 — 6-85-111. [Repealed.]

Publisher's Notes. This subchapter, concerning the Arkansas Academic Challenge Scholarship Program — Part 1, was repealed by Acts 2021, No. 81, § 1, effective July 28, 2021. The subchapter was derived from the following sources:

6-85-101. Acts 2009, No. 605, § 4; 2009, No. 606, § 4.

6-85-102. Acts 2009, No. 605, § 4; 2009, No. 606, § 4.

6-85-103. Acts 2009, No. 605, § 4; 2009, No. 606, § 4.

6-85-104. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, §§ 2124-2127.

6-85-105. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, § 2128.

6-85-106. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 755, § 7; 2019, No. 910, §§ 2129-2141.

6-85-107. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, § 2142.

6-85-108. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, § 1; 2019, No. 910, § 2143.

6-85-109. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, § 2144.

6-85-110. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, §§ 2145-2148.

6-85-111. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, § 2149.

SUBCHAPTER 2 — ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

SECTION.

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SECTION.

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6-85-219. Reports to legislative committees.

6-85-220. Legislative Council — Annual report.

6-85-221. Scholarship hold — Leave of absence.

Effective Dates. Acts 2015, No. 218, § 34: Feb. 26, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the stability of the Arkansas Scholarship Lottery is critical to the success of the Arkansas Academic Challenge Scholarship Program; that changes to the operational structure of the lottery are needed to improve the creditability and function of the lottery; and that this act is immediately necessary to ensure that the transition of lottery administration is as undistruptive as possible. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2015, No. 1105, § 8: July 1, 2016. Effective date clause provided: "Sections 1

through 5 of this act are effective on July 1, 2016."

Acts 2015, No. 1105, § 9: Apr. 6, 2015, §§ 6, 7. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Scholarship Lottery is undergoing dramatic change; that the financial stability of the Arkansas Scholarship Lottery is in question; and that this act is immediately necessary to ensure that there are appropriate mechanisms in place to fund scholarship recipients should there be a shortfall in lottery proceeds. Therefore, an emergency is declared to exist, and Sections 6 and 7 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2017, No. 613, § 7: Mar. 23, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this state is in need of a more educated and skilled workforce; that the Arkansas Workforce Challenge Scholarships available under this act will allow more Arkansans to pursue higher education in order to obtain a skill or better education that will lead to employment in a high-needs occupation in Arkansas; and that this act is immediately necessary to allow the funding to be in place so that Arkansas Workforce Challenge Scholarships can be awarded to Arkansans as soon as possible. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2018, No. 197, § 49: Feb. 28, 2018, §§ 44, 45. Emergency clause provided: "(a) It is found and determined by the General Assembly of the State of Arkansas that Section 44 — the Section regarding Arkansas Workforce Challenge Scholarship Fund transfers, of this act granting the Arkansas Department of Higher Education authority to make Arkansas Workforce Challenge Scholarship Fund transfers for scholarship awards for nontraditional students; and Section 45 — the Section regarding increasing the scholarship awards limit to nontraditional students, increasing the aggregate amount of scholarship awards to nontraditional students to fifteen million dollars (\$15,000,000), requires immediate implementation in order to facilitate a timely and efficient scholarship transfer and funding process and to ensure these processes are not interrupted or impaired. Therefore, an emergency is declared to exist, and Section 44, regarding Arkansas Workforce Challenge Scholarship Fund transfers, and Section 45, regarding the scholarship awards limit to nontraditional students, of this act being immediately necessary for the preservation of the public peace, health, and safety shall be-

come effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 636, § 11: Apr. 12, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is imperative to ensure existing scholarships can be funded with current available funds; that it is necessary to determine whether enacting a new scholarship is fiscally prudent; and that this act is immediately necessary in order to review each bill that creates or amends a lottery-funded scholarship in light of existing scholarships and available funds to ensure financial solvency of the lottery. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-85-201. Findings.

The General Assembly finds that:

(1) In approving Arkansas Constitution, Amendment 87, the citizens of this state provided an opportunity to increase the resources provided for higher education scholarships and grants through a state lottery;

(2) The net proceeds from the state lottery, in addition to existing nonlottery state educational resources for scholarships and grants, will:

(A) Encourage associate degree, certificate of proficiency program, and technical certificate program recipients and university juniors to complete a baccalaureate degree;

(B) Provide opportunities for students more than one (1) year out of high school to enter or reenter higher education;

(C) Provide an improved system of communication to students and parents about opportunities for higher education scholarships and grants in Arkansas; and

(D) Provide an evaluation and analysis of all state funding for scholarships and grants and how the funding advances the state's goals for higher education; and

(3) Changes to the Arkansas Academic Challenge Scholarship Program may be necessary from time to time to ensure the solvency of the program by spreading the program liabilities over a period of time while ensuring that there are scholarship dollars available for students who successfully complete their courses.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2015, No. 1105, § 1; 2021, No. 636, § 1.

Amendments. The 2021 amendment deleted "Part 2" following "Arkansas Academic Challenge Scholarship Program" in (3).

Effective Dates. Acts 2015, No. 1105, § 8: July 1, 2016. Effective date clause provided: "Sections 1 through 5 of this act are effective on July 1, 2016."

6-85-202. Creation.

The Arkansas Academic Challenge Scholarship Program is hereby created and established.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2021, No. 636, § 1.

Amendments. The 2021 amendment

deleted "Part 2" following "Arkansas Academic Challenge Scholarship Program".

6-85-203. Applicability.

(a) Recipients of Arkansas Governor's Distinguished Scholarships may receive an Arkansas Academic Challenge Scholarship under this subchapter.

(b) The amount of an Arkansas Academic Challenge Scholarship awarded to a recipient of an Arkansas Governor's Distinguished Scholarship shall not be more than the maximum scholarship amount provided to a recipient of an Arkansas Governor's Distinguished Scholarship under § 6-82-312.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2021, No. 80, § 1; 2021, No. 636, § 1.

Amendments. The 2021 amendment by No. 80 added (c)(2) [now (b)] and redesignated former (c) as (c)(1) [now (a)]; and substituted “may receive an Arkansas

Academic Challenge Scholarship” for “are prohibited from receiving Arkansas Academic Challenge Scholarships” in (c)(1) [now (a)].

The 2021 amendment by No. 636 deleted former (a) and (b); and deleted the (c) designation.

6-85-204. Definitions.

As used in this subchapter:

- (1) “ACT” means the ACT administered by ACT, Inc.;
- (2) “ACT equivalent” means the SAT, COMPASS, ACCUPLACER, or other nationally normed test that is correlated with the ACT and approved by the Division of Higher Education for use by institutions of higher education to assess a person’s college readiness;
- (3) “Approved institution of higher education” means an institution of higher education approved by the division to participate in the Arkansas Academic Challenge Scholarship Program and that is:
 - (A) A state-supported two-year or four-year college or university;
 - (B) A private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds; or
 - (C) An approved school of nursing, subject to the provisions of § 6-85-213(c);
- (4) “Approved school of nursing” means a school of nursing with its primary headquarters located in Arkansas that:
 - (A) Prepares students as registered nurses;
 - (B) Grants nursing diplomas;
 - (C) Is eligible to participate in the Higher Education Act of 1965, Title IV federal student aid programs;
 - (D) Is approved by the Arkansas State Board of Nursing;
 - (E) Has been approved by the division as eligible to participate in the Arkansas Academic Challenge Scholarship Program; and
 - (F) Is not a two-year or four-year college or university;
- (5) “Arkansas resident” means a natural person who provides evidence deemed sufficient by the division that:
 - (A) For the twelve-month period required under § 6-85-206(1), the person:
 - (i) Maintained a permanent home in Arkansas where the person resides for an average of no less than four (4) days and nights per calendar week; and
 - (ii) Either:
 - (a) Is an Arkansas registered voter;
 - (b) Holds a valid Arkansas motor vehicle driver’s license;
 - (c) Receives benefits under an Arkansas public assistance program;
 - (d) Uses an Arkansas residence address for federal or state tax purposes; or

(e) Claims Arkansas as a residence to hold public office or for judicial actions; or

(B) Before the deadline for filing a scholarship application under this subchapter the applicant:

(i) Is on active military status;

(ii) Qualifies for in-state tuition and fees under § 6-60-205; and

(iii) Meets one (1) of the conditions under subdivision (5)(A)(ii) of this section;

(6) "Continuously enrolled" means:

(A) For a traditional student, he or she successfully completes at an approved institution of higher education twenty-seven (27) semester hours in the first academic year as a recipient and, except as provided in § 6-85-212(d)(1)(A)(iv)(c), successfully completes thirty (30) semester hours each academic year thereafter;

(B) For a full-time nontraditional student, he or she successfully completes at an approved institution of higher education at least fifteen (15) semester hours of courses in consecutive semesters;

(C) For a part-time nontraditional student, he or she successfully completes at an approved institution of higher education at least six (6) semester hours of courses in consecutive semesters; and

(D) For a student who is enrolled in a degree plan that has a maximum number of semester hours in a semester that is less than the requirements of subdivisions (6)(A)-(C) of this section, he or she successfully completes at an approved institution of higher education the maximum number of hours required by the degree plan for the semester;

(7) "Enrolled" means that the approved institution of higher education where the student is attending class counts the student as enrolled for the hours claimed on the last day to add or drop a class at the approved institution of higher education;

(8) "High school grade point average" means the numbered grade average on a student's high school transcript calculated:

(A) For a traditional student, using the first seven (7) of the last eight (8) semesters the student completed prior to graduating high school; or

(B) For a nontraditional student, using the last eight (8) semesters the student completed before graduating high school;

(9) "Lawful permanent resident" means a non-United States citizen who resides in the United States under a legally recognized and lawfully recorded permanent residence and who may receive state public benefits under 8 U.S.C. § 1622;

(10) "Net proceeds from the state lottery" means lottery proceeds for one (1) fiscal year less the operating expenses defined in § 23-115-103 for the fiscal year;

(11) "Nonlottery state educational resources" means the funding available for state-supported scholarships and grants for students enrolled in postsecondary education in this state that:

(A) The General Assembly makes available from general revenue to the Higher Education Grants Fund Account without consideration of the availability of proceeds from the state lottery; and

(B) The Department of Finance and Administration estimates is available for distribution to the Higher Education Grants Fund Account during a fiscal year from the Educational Excellence Trust Fund;

(12) "Qualified certificate program" means a program:

(A) That is offered by an approved institution of higher education;

(B) For which credit hours are awarded that are creditable toward an associate degree or baccalaureate degree; and

(C) Recognized by the United States Department of Education for financial aid purposes;

(13) "Recipient" means an applicant awarded a scholarship funded through the Arkansas Academic Challenge Scholarship Program;

(14) "Semester" means one-half ($\frac{1}{2}$) of a traditional academic year at an institution of higher education, or an equivalent approved by the division, in which a student enrolls for not less than:

(A) Fifteen (15) credit hours as a full-time student, except that in the first semester as a first-time full-time freshman, a traditional student shall enroll in not less than twelve (12) credit hours; or

(B) Six (6) credit hours as a part-time student;

(15) "State-supported student financial assistance" means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement funded with state funds or net proceeds from the state lottery awarded by:

(A) The division; or

(B) A scholarship or grant awarded by an institution of higher education in this state in whole or in part by state funds, including without limitation:

(i) Scholarships awarded on the basis of entrance exam scores or high school academic achievement;

(ii) Tuition waivers based on age, military service, occupation, or other factors;

(iii) Out-of-state tuition waivers for undergraduate students from contiguous states in close proximity to a college or university;

(iv) Scholarships for transfers from two-year institutions;

(v) Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and

(vi) Any other publicly funded program under which students are not charged or are reimbursed by the institution of higher education for tuition, fees, books, or other costs of attendance;

(16)(A) "Superscore" means the final composite score that is calculated according to a combination of the highest individual section scores across all of the ACT tests taken by an individual.

(B)(i) The division shall promulgate rules in consultation with ACT, Inc. to determine the mechanism for calculating and disseminating an applicant's superscore on the ACT.

(ii) However, a rule promulgated under subdivision (16)(B)(i) of this section shall not result in a negative amount of net revenue available;

(17)(A) "Supplant" means that the net proceeds from the state lottery are used in place of, not in addition to, state nonlottery educational resources provided for state-supported student financial assistance for a specified fiscal year.

(B) Supplanting does not occur if the General Assembly provided the state nonlottery educational resources as if the lotteries under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq., do not exist; and

(18)(A) "Traditional student" means a student who:

(i) Will enter postsecondary education as a full-time first-time freshman on or before the fall semester of the academic year that begins immediately following:

(a) The student's graduation from high school; or

(b) The last day of the school year:

(1) That would have been the student's junior or senior year of high school; and

(2) In which the student completes the requirements for high school graduation and obtains a Certificate of General Educational Development instead of receiving a diploma; and

(ii) Remains continuously enrolled as a full-time student.

(B) "Traditional student" includes a student who otherwise meets this definition but delays entering postsecondary education under a scholarship hold approved by the division.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, §§ 2, 3; 2010, No. 265, § 1; 2010, No. 294, § 1; 2011, No. 207, §§ 4, 5; 2013, No. 1173, §§ 3, 4; 2013, No. 1263, § 1; 2015, No. 1115, § 18; 2017, No. 597, § 1; 2017, No. 719, § 1; 2019, No. 549, § 1; 2019, No. 692, § 13; 2019, No. 910, §§ 2150-2158; 2021, No. 636, § 1.

Amendments. The 2017 amendment by No. 597 inserted "except as provided in § 6-85-212(e)(1)(A)(iv)(c)" in (6)(A).

The 2017 amendment by No. 719 deleted "not including any summer term" following "thereafter" at the end of (6)(A); deleted "not including a summer term" following "semesters" at the end of (6)(B), (6)(C)(i), (6)(C)(ii), and (6)(D).

The 2019 amendment by No. 549 inserted present (25).

The 2019 amendment by No. 692 substituted "Arkansas Academic Challenge Scholarship Program — Part 2" for "program" in (19).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" throughout the section; and substituted "State Board of Education" for "state board" in (22)(B)(i).

The 2021 amendment deleted former (7), (8), (10), (15)-(17), (20), (22), and (24), and redesignated the remaining subdivisions accordingly; deleted "Assessment" preceding "administered" in (1); deleted "Part 2" following "Arkansas Academic Challenge Scholarship Program" in (3) and (13); deleted former (6)(C), and redesignated former (6)(D) and (E) as (6)(C) and (D); added (16)(B); deleted (18)(C); up-

dated references; and made stylistic changes.

6-85-205. Authority and duties of Division of Higher Education.

(a) The Division of Higher Education shall develop and promulgate rules for the administration of the Arkansas Academic Challenge Scholarship Program consistent with the purposes and requirements of this subchapter.

(b) The rules developed and promulgated by the Division of Higher Education under this section shall pertain to:

- (1) Student eligibility criteria based on this subchapter;
- (2) The method for selecting scholarship recipients and for determining continuing eligibility;
- (3) The procedures for making payment to an approved institution of higher education where the recipient is enrolled; and
- (4) Other administrative procedures that may be necessary for the implementation and operation of the program.

(c) The Division of Higher Education shall implement a complete financial aid management system that uses a single application form that may be accessed as a web-based application for all Arkansas state-supported student financial assistance administered by the Division of Higher Education, including:

- (1) Scholarships awarded under this subchapter or other state law that are funded with net proceeds from the state lottery; and
- (2) Scholarships, grants, or other financial assistance for higher education students funded with nonlottery state educational resources.

(d)(1) The Division of Elementary and Secondary Education and the Division of Higher Education shall develop appropriate informational materials on the program and ensure distribution of the materials to Arkansas students in grade seven through grade twelve (7-12) each year as a part of the packet of materials on precollegiate preparation distributed by the Arkansas Higher Education Coordinating Board under § 6-61-217 and by the Division of Elementary and Secondary Education under the Higher Education Awareness Act of 1993, § 6-5-401 et seq.

(2) The distribution of informational materials under this section shall be accomplished through the collaboration of school counselors and other appropriate public school or Division of Higher Education personnel.

(3) The Division of Higher Education shall provide a copy of the informational materials developed under this section to the Legislative Council for review.

(e) The Director of the Division of Higher Education shall review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this subchapter.

(f)(1)(A) By July 15 of each year, the director shall provide a report to the Legislative Council on:

- (i) The implementation of this subchapter;
- (ii) The number of recipients that either:
 - (a) Dropped out during the academic year; or
 - (b) Lost the scholarship during the academic year; and
- (iii) Any additional information requested by the Legislative Council.

(B) The Legislative Council shall include the information reported under this subsection in its annual report to the General Assembly under § 6-85-220.

(2) By August 1 of each year, the Division of Higher Education shall provide to the Legislative Council an unaudited financial report on the administration of the program for the fiscal year just ended.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2010, No. 265, §§ 2-4; 2010, No. 294, §§ 2-4; 2015, No. 218, §§ 5-7; 2015, No. 1258, §§ 5-7; 2019, No. 910, § 2159; 2021, No. 636, § 1.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: "LEGISLATIVE FINDINGS. The General Assembly finds:

"(1) Amendment 92 to the Arkansas Constitution states in part: 'The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section';

"(2) As Amendment 92 does not define the term 'state agency', the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

"(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State

Highway and Transportation Department, and institutions of higher education from the definition of 'state agency' applied to the implementation of Amendment 92; and

"(4) The General Assembly or the Legislative Council reserve the right to amend the definition of 'state agency' in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education."

Publisher's Notes. Acts 2015, No. 1258, §§ 5-7 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in the section heading and throughout the section; and substituted "Division of Elementary and Secondary Education" for "Department of Education" twice in (d)(1).

The 2021 amendment substituted "shall" for "are directed to" in (d)(1); deleted former (f), and redesignated former (g) as (f); substituted "director" for "Director of the Division of Higher Education" in (f)(1)(A); and made stylistic changes.

6-85-206. Basic eligibility requirements.

The basic requirements for an applicant to be eligible for an award from the Arkansas Academic Challenge Scholarship Program are:

(1)(A) The applicant has been an Arkansas resident for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

(B) If the applicant is less than twenty-one (21) years of age, either the applicant or a parent or guardian of the applicant shall have

maintained Arkansas residency for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

(C)(i) To be considered an Arkansas resident, an applicant shall demonstrate residency by evidence deemed sufficient to the Division of Higher Education.

(ii) Evidence of residency may include without limitation information provided by the applicant on the Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid.

(D) During the twelve (12) months immediately preceding the date an applicant will enroll in an approved institution of higher education if the person for whom the twelve-month period is calculated under subdivision (1)(A) or subdivision (1)(B) of this section is deployed outside of Arkansas under military orders, the division shall calculate the twelve (12) months by:

(i) Excluding months of military deployment outside of Arkansas that are within the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education; and

(ii) Including months the person maintained Arkansas residency immediately preceding the military deployment outside of Arkansas;

(2) The applicant is a citizen of the United States or is a lawful permanent resident;

(3)(A) The applicant is accepted for admission as a full-time student or part-time student at:

(i) An approved institution of higher education in a program of study that leads to or is creditable toward:

(a) A baccalaureate degree;

(b) An associate degree;

(c) A certificate from a qualified certificate program; or

(d) A graduate-level or professional degree; or

(ii) An approved school of nursing in a program of study that leads to a nursing diploma under § 6-85-213.

(B) A full-time student shall enroll in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this subchapter, or the equivalent as defined by the division.

(C) A part-time student shall complete at least six (6) semester hours but less than the minimum number of semester hours for a full-time student, as defined by the division;

(4) The applicant has not met the maximum continuing education eligibility requirements under § 6-85-210;

(5) The applicant does not owe a refund on a federal or state student financial aid grant for higher education;

(6) The applicant is not in default on a state or federal student financial aid loan for higher education;

(7) The applicant has not borrowed, as determined by the approved institution of higher education to be attended, in excess of the annual

loan limits of the William D. Ford Federal Direct Loan Program in the same academic year for which the student has applied for assistance under this subchapter;

(8) The applicant is not incarcerated at the time of the application for or during the time the applicant receives a scholarship under this subchapter;

(9) The applicant has complied with United States Selective Service System requirements for registration;

(10) The applicant has completed and submitted to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid; and

(11) The applicant certifies that he or she is drug-free and pledges in writing on the application form to refrain from the use or abuse of illegal substances in order to become eligible and maintain eligibility for the Arkansas Academic Challenge Scholarship Program.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, § 4; 2010, No. 265, § 5; 2010, No. 294, § 5; 2011, No. 207, § 6; 2013, No. 1173, §§ 5, 6; 2017, No. 597, § 2; 2019, No. 692, § 14; 2019, No. 910, §§ 2160-2162; 2021, No. 636, § 1.

Amendments. The 2017 amendment added (3)(A)(i)(d).

The 2019 amendment by No. 692, in (7), substituted "William D. Ford Federal Direct Loan Program" for "Federal Family Educational Loan Program Systems, William D. Ford Federal Direct Loan Program, Income Contingent Loan Demon-

stration Program, Stafford Loan Program, Parent Loan for Undergraduate Students Program, or Supplemental Loan for Students Program".

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" throughout the section.

The 2021 amendment deleted "Part 2" following "Arkansas Academic Challenge Scholarship Program" in the introductory language; and substituted "the Arkansas Academic Challenge Scholarship Program" for "this program" in (11).

6-85-207. Additional eligibility requirements for traditional students.

In addition to the basic eligibility requirements of § 6-85-206, an applicant is eligible as a traditional student if the applicant:

(1) Graduated from an Arkansas public high school and has a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent;

(2) Has a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on July 1, 2009, and graduated from an Arkansas public high school, and either:

(A) Had a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(B) Scored proficient or higher on all state-mandated end-of-course assessments, including without limitation end-of-course assessments on:

- (i) Algebra I;
- (ii) Geometry;
- (iii) Biology; and

(iv) Literacy;

(3) Achieved a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent and:

(A) Graduated from a private high school, an out-of-state high school, or a home school high school; or

(B) In the year in which the student would have been a junior or senior in high school, completed the requirements for high school graduation and obtained a high school equivalency diploma approved by the Adult Education Section instead of receiving a diploma; or

(4) Meets the following criteria:

(A) Was enrolled at an institution of higher education in the immediately preceding academic year as a full-time, first-time freshman;

(B) Did not receive a scholarship under this subchapter as a full-time, first-time freshman;

(C) Successfully completed with the equivalent of a minimum letter grade of "D" at least twenty-seven (27) semester hours of courses as a full-time, first-time freshman; and

(D) Achieved a postsecondary grade point average of at least 2.5 on a 4.0 scale as a full-time, first-time freshman.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, §§ 5-8; 2010, No. 265, § 6; 2010, No. 294, § 6; 2011, No. 207, § 7; 2013, No. 1263, § 2; 2015, No. 1105, § 2; 2015, No. 1115, § 19; 2017, No. 315, § 1; 2017, No. 719, § 2; 2019, No. 549 §§ 2, 3; 2019, No. 910, § 2163; 2021, No. 636, § 1.

Publisher's Notes. Acts 2017, No. 719, § 2 specifically amended this section as amended by Acts 2017, No. 315, § 1.

Amendments. The 2017 amendment by No. 315 added (4) and made stylistic changes.

The 2017 amendment by No. 719 deleted "in consecutive semesters, not including a summer term" following "courses" in (4)(C).

The 2019 amendment by No. 549 added the (1)(A) designation; substituted "super-

score" for "composite score" in (1)(A); added (1)(B); and substituted "superscore" for "composite score" in the introductory language of (3).

The 2019 amendment by No. 910 substituted "Adult Education Section of the Division of Workforce Services" for "Department of Career Education" in (3)(B).

The 2021 amendment inserted "basic eligibility" in the introductory language; redesignated former (1)(A) as (1); deleted former (1)(B); and inserted "with the equivalent of a minimum letter grade of 'D'" in (4)(C).

Effective Dates. Acts 2015, No. 1105, § 8; July 1, 2016. Effective date clause provided: "Sections 1 through 5 of this act are effective on July 1, 2016."

6-85-208. Additional eligibility requirements for nontraditional student.

An applicant is eligible as a nontraditional student if, in addition to the basic eligibility requirements of § 6-85-206, the applicant meets one (1) of the following requirements:

(1) If the applicant has not been enrolled in an approved institution of higher education, has graduated from an Arkansas public high school, a private high school, an out-of-state high school, a home school high school, or obtained a high school equivalency diploma approved by

the Adult Education Section and had a superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(2) If the applicant has been enrolled in an approved institution of higher education, has earned a postsecondary grade point average of at least 2.5 on a 4.0 scale.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, §§ 9, 10; 2010, No. 265, § 7; 2010, No. 294, § 7; 2011, No. 207, § 8; 2015, No. 1115, § 20; 2017, No. 1008, § 5; 2019, No. 549, § 4; 2019, No. 910, § 2164; 2021, No. 80, § 2; 2021, No. 636, § 1.

Amendments. The 2017 amendment rewrote the section.

The 2019 amendment by No. 549 added the (1)(B)(i) designation; substituted “superscore” for “composite score” in (1)(B)(i); and added (1)(B)(ii).

The 2019 amendment by No. 910 substituted “Adult Education Section of the Division of Workforce Services” for “Department of Career Education” in (1)(B) [now (1)(B)(i)].

The 2021 amendment by No. 80 deleted former (1)(A).

The 2021 amendment by No. 636 inserted “basic eligibility” in the introductory language; redesignated former (1)(B)(i) as (1)(B) [now (1)]; deleted former (1)(B)(ii); and added “on a 4.0 scale” in (2).

6-85-209. [Repealed.]

Publisher’s Notes. This section, concerning additional eligibility requirements for a current achiever student, was repealed by Acts 2021, No. 636, § 1, effective April 12, 2021. The section was de-

rived from Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2010, No. 265, § 8; 2010, No. 294, § 8; 2011, No. 207, § 9; 2019, No. 462, § 5; 2019, No. 910, §§ 2165, 2166.

6-85-210. Continuing eligibility.

(a)(1)(A) A recipient who meets continuing eligibility criteria under this subchapter shall receive a scholarship for one (1) academic year renewable annually until the recipient has earned one hundred twenty (120) semester credit hours.

(B) A recipient may continue to receive a scholarship after he or she has earned one hundred twenty (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, if the student is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120) semester credit hours as provided under § 6-61-232.

(2) A semester in which a student withdraws or fails to complete the number of credit hours for which the student first enrolled is counted toward the maximum number of semesters for which the student may receive a scholarship award under this subchapter.

(3) The maximums under this subsection apply to any degree program, regardless of whether or not the degree program requires additional semesters.

(4) A recipient may attend summer terms at the student’s own expense to earn credit hours necessary to maintain eligibility for a scholarship under this subchapter.

(b) To maintain eligibility for an Arkansas Academic Challenge Scholarship under this subchapter, a recipient shall:

(1) Continue to meet the relevant eligibility requirements of this subchapter while a recipient of a scholarship under this subchapter;

(2)(A) Meet the satisfactory academic progress standards required to receive other financial aid at the approved institution of higher education where the recipient is enrolled, as determined by the Division of Higher Education in conjunction with the institution of higher education where the recipient is enrolled.

(B)(i) A recipient who does not successfully complete any credit hours toward degree completion in a semester in which he or she received a scholarship under this subchapter immediately forfeits the remainder of the scholarship award for that academic year.

(ii) The division shall notify the recipient of the loss of eligibility under this subdivision (b)(2)(B).

(C) By accepting scholarship funds under this subchapter, the receiving institution certifies that students will be enrolled in courses that will meet satisfactory academic progress standards leading toward a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree;

(3) Complete all remedial courses required by the approved institution of higher education by the time the student completes the first thirty (30) semester hours attempted after receiving the scholarship if the recipient is enrolled in one (1) or more remedial courses;

(4) Earn a postsecondary grade point average of 2.5 or higher on a 4.0 scale at an approved institution of higher education;

(5) Enroll in courses that lead toward a baccalaureate degree or graduate-level or professional degree after attempting the lesser of:

(A) Five (5) semesters; or

(B) The completion of an associate degree program; and

(6) Meet any other continuing eligibility criteria established by the division.

(c)(1) A traditional student recipient who loses eligibility for a scholarship may apply as a first-time nontraditional student.

(2) A recipient under subdivision (c)(1) of this section who loses eligibility for the nontraditional student scholarship is not eligible to apply for a scholarship under any eligibility provision of this subchapter.

(d) If a recipient is subject to losing a scholarship under subsection (c) of this section due to a catastrophic event experienced by the recipient or a family member of the recipient, the division may waive the requirements of this section and determine the appropriate requirements for the recipient to either retain or regain the scholarship.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, §§ 11-14; 2010, No. 265, §§ 9, 10; 2010, No. 294, §§ 9, 10; 2011, No. 207, §§ 10, 11; 2013, No. 1106, § 1; 2013, No. 1173, §§ 7-9; 2015, No. 1250, § 1; 2017, No. 597, §§ 3-5; 2017, No. 719, §§ 3, 4; 2019, No. 910, §§ 2167-2173; 2021, No. 636, § 1.

Amendments. The 2017 amendment by No. 597 rewrote (a)(1); added "or a graduate-level or professional degree" at the end of (b)(2)(A)(iii); and substituted

“degree or graduate-level or professional degree” for “degree program” in (b)(5).

The 2017 amendment by No. 719 added (a)(4); and rewrote (c).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (b)(2)(A)(i); and substituted “division” for “department” throughout the section.

The 2021 amendment deleted “meet the following requirements” following “a re-

cipient shall” in the introductory language of (b); deleted “A recipient shall” at the beginning of (b)(1), (b)(2), and (b)(4)-(6); inserted “relevant” in (b)(1); deleted former (b)(2)(B) and redesignated former (b)(2)(A)(ii) and (iii) as (b)(2)(B) and (C); rewrote (b)(3); inserted “on a 4.0 scale” in (b)(4); and updated an internal reference.

6-85-211. [Repealed.]

Publisher’s Notes. This section, concerning literacy tutoring, was repealed by Acts 2021, No. 636, § 1, effective April 12,

2021. The section was derived from Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2019, No. 910, § 2174.

6-85-212. Scholarship award amounts.

(a) The General Assembly may use net proceeds from the state lottery to fund the scholarships awarded under this subchapter and to supplement the state-supported student financial assistance that the General Assembly determines is necessary to meet the state’s objective for broadening and increasing access of Arkansas citizens to higher education.

(b) Net proceeds from the state lottery used to fund scholarships under this subchapter shall:

(1) Be used exclusively for the purposes set out in Arkansas Constitution, Amendment 87, and this subchapter; and

(2) Supplement and shall not supplant nonlottery state educational resources.

(c) The scholarships established under this subchapter are subject to available funding and do not create for any student an entitlement to financial assistance to enable the student’s attendance at an approved institution of higher education.

(d)(1)(A) Subject to the availability of net revenue, the scholarship award amount under this subchapter for an academic year for a full-time recipient enrolled in a four-year approved institution of higher education is:

(i) One thousand dollars (\$1,000) for a recipient who has earned less than twenty-seven (27) semester credit hours;

(ii) Four thousand dollars (\$4,000) for a recipient who has earned at least twenty-seven (27) semester credit hours but less than fifty-seven (57) semester credit hours;

(iii) Four thousand dollars (\$4,000) for a recipient who has earned at least fifty-seven (57) semester credit hours but less than eighty-seven (87) semester credit hours; and

(iv)(a) Five thousand dollars (\$5,000) for a recipient who has earned at least eighty-seven (87) semester credit hours but no more than one hundred twenty (120) semester credit hours unless the

recipient is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, as provided under § 6-61-232, then up to the number of credit hours required to complete the baccalaureate program.

(b) A recipient shall receive no more than one (1) year of the scholarship provided under subdivision (d)(1)(A)(iv)(a) of this section unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120) semester credit hours as provided under § 6-61-232.

(c)(1) A recipient who is eligible to receive the scholarship under subdivision (d)(1)(A)(iv)(a) of this section may receive the scholarship while enrolled in a semester as a part-time student.

(2) The scholarship amount for the semester in which a recipient is enrolled as a part-time student under subdivision (d)(1)(A)(iv)(c)(1) of this section shall be prorated by the number of credit hours in which the recipient is enrolled.

(B)(i) To determine the correct scholarship award amount based on credit hours, a first-time recipient shall submit a current college or university transcript if the first-time recipient has earned any semester credit hours to the Division of Higher Education no later than a date determined by the division prior to the academic year for which the first-time recipient will receive an initial scholarship award.

(ii) A first-time recipient who does not submit a transcript to the division on or before June 1 shall receive the award amount under subdivision (d)(1)(A)(i) of this section.

(C)(i) An applicant may elect for the earned semester credit hours under subdivision (d)(1)(A) of this section to be only those semester credit hours earned after graduating from high school or obtaining a high school equivalency diploma approved by the Adult Education Section.

(ii) If an applicant makes the election under subdivision (d)(1)(C)(i) of this section, any semester credit hours earned through concurrent credit or any other method before graduating high school or obtaining a high school equivalency diploma approved by the Adult Education Section shall not be counted as earned semester credit hours for the purposes of determining a recipient's scholarship award amount under subdivision (d)(1)(A) of this section.

(2)(A) The division shall award an aggregate amount of scholarship awards to nontraditional students of up to fifteen million dollars (\$15,000,000).

(B)(i) The division shall return to the Office of the Arkansas Lottery the excess funding, if any, for scholarship awards under this subchapter the division received under § 23-115-801.

(ii) The office shall deposit any funds received from the division under this subdivision (d)(2)(B) into the Lottery Scholarship Trust Account established under § 23-115-801(b).

(C) Priority for scholarships awarded to nontraditional students is based on:

(i) The applicant's level of progress toward completion of a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree; or

(ii) Other criteria established by the division.

(3) Subject to the availability of net revenue, the scholarship award for an academic year for a full-time student enrolled in one (1) of the following institutions of higher education is one thousand dollars (\$1,000) for the first year and three thousand dollars (\$3,000) for the second year:

(A) A two-year approved institution of higher education;

(B) A branch campus of a four-year approved institution of higher education; or

(C) An approved school of nursing.

(4) Subject to the availability of net revenue, the scholarship award amount for a part-time student recipient shall be:

(A) One-half ($\frac{1}{2}$) of the award amount for a full-time student recipient, if the recipient is enrolled in at least six (6) semester hours but less than nine (9) semester hours; or

(B) Three-fourths ($\frac{3}{4}$) of the award amount for a full-time student recipient, if the recipient is enrolled in at least nine (9) semester hours but less than the number of hours required for a full-time student recipient.

(5) A current recipient who maintains eligibility for the scholarship under this subchapter shall continue to receive the scholarship award amount first awarded to the recipient.

(6) The division shall give priority for a scholarship award to a full-time or part-time student:

(A) Who meets the eligibility requirements under this subchapter; and

(B) Whose parent, by birth or legal adoption:

(i) Was a resident of the State of Arkansas at the time that person entered the service of the United States Armed Forces or whose official residence is in Arkansas; and

(ii) Was a member of the United States Armed Forces who was killed while performing military duty:

(a) In a status identified under 32 U.S.C. § 101 et seq. or 10 U.S.C. § 101 et seq. as they existed on January 1, 2011; or

(b) In state active duty status.

(e) Annually by December 15, the Legislative Council shall provide to the General Assembly its recommendations for any changes to the:

(1) Award amounts;

(2) Number or type of scholarships; and

(3) Eligibility requirements.

(f) It is the intent of the General Assembly that in determining award amounts under this subchapter the General Assembly will consider whether sufficient funds will be available to pay for scholar-

ship awards through the anticipated completion of the degree or certificate a recipient is seeking.

(g) All awards under this subchapter are subject to the prohibition under § 6-80-105 against using public funds in a student financial package in excess of the recognized cost of attendance at the institution where the student is enrolled.

(h)(1) If the division has less than a sufficient amount from net proceeds from the state lottery to provide for the scholarship commitments under this subchapter, the division shall give priority for continued financial support under this subchapter to a student with continuing eligibility superior to first-time applicants.

(2) If the funding is insufficient to fully fund the scholarships for students with continuing eligibility created under this subchapter, the division shall award scholarships based upon the following criteria to students with continuing eligibility as follows:

(A) First, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study that is:

(i) In an area of critical workforce need as determined by the division; or

(ii) In a science, technology, engineering, or mathematics field;

(B) Second, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study other than those listed in subdivision (h)(2)(A) of this section; and

(C) Last, in the event funding is insufficient to fully fund students under subdivision (h)(2)(A) or subdivision (h)(2)(B) of this section, to students who have the highest postsecondary grade point average.

(3)(A) If, after funding all students with continuing eligibility under this section, funding is insufficient to fund all qualified first-time applicants, the division shall award scholarships to first-time applicants in order of priority based upon the applicants' ACT superscore or ACT-equivalent superscore.

(B) If, after prioritizing first-time applicants based upon the applicants' ACT or ACT equivalent scores, funding is insufficient to fund all applicants with like ACT or ACT equivalent scores, the division shall determine who receives an award by random drawing.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, §§ 15-22; 2010, No. 265, §§ 11-13; 2010, No. 294, §§ 11-13; 2011, No. 207, §§ 12-14; 2011, No. 825, § 1; 2011, No. 1180, § 1; 2013, No. 234, §§ 1-3; 2015, No. 218, §§ 8-10; 2015, No. 1105, §§ 3-6; 2015, No. 1250, §§ 2, 3; 2015, No. 1258, §§ 8, 9; 2017, No. 597, §§ 6-12; 2017, No. 613, §§ 1, 2; 2017,

No. 1008, § 6; 2017, No. 1041, § 1; 2018, No. 197, § 45; 2019, No. 549, § 5; 2019, No. 834, § 2; 2019, No. 910, §§ 2175-2181; 2021, No. 636, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207, subdivision (e)(1) of this section is set out above as amended by Acts 2015, No. 1250, §§ 2, 3. Subdivision (e)(1) of this section was also amended by Acts 2015,

No. 1105, § 3 to read as follows:

“(e)(1)(A) Beginning with the 2016-2017 academic year, the scholarship award amount under this subchapter for an academic year for a full-time recipient enrolled in a four-year approved institution of higher education is:

“(i) One thousand dollars (\$1,000) for a recipient in his or her freshman year;

“(ii) Four thousand dollars (\$4,000) for a recipient in his or her sophomore year;

“(iii) Four thousand dollars (\$4,000) for a recipient in his or her junior year; and

“(iv) Five thousand dollars (\$5,000) for a recipient in his or her senior year.

“(B) The Department of Higher Education shall not accept new applications for scholarships for current achiever students under § 6-85-209 after June 1, 2012.”

Acts 2015, No. 1250, § 4, provided: “For the 2015-2016 school year, a student participating in the Arkansas Academic Challenge Scholarship Program — Part 2 may elect to be subject to the provisions of § 6-85-212(e)(1)(A) in effect for the 2016-2017 school year and thereafter.”

Acts 2015, No. 1258, § 1, provided: “LEGISLATIVE FINDINGS. The General Assembly finds:

“(1) Amendment 92 to the Arkansas Constitution states in part: ‘The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section’;

“(2) As Amendment 92 does not define the term ‘state agency’, the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

“(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of ‘state agency’ applied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to

amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

Publisher’s Notes. Acts 2015, No. 1258, §§ 8, 9 specifically amended this section as amended by Acts 2015, No. 218.

Acts 2017, No. 1041, § 1 specifically amended this section as amended by Acts 2017, No. 597, § 8.

Amendments. The 2017 amendment by No. 597 substituted “the scholarship” for “a five-thousand-dollar scholarship” in (e)(1)(A)(iv)(b); added (e)(1)(A)(iv)(c) and (e)(1)(D); rewrote (e)(2)(C); added “or a graduate-level or professional degree” in (i)(2)(A) and (i)(2)(B); substituted “Department of Higher Education” for “department” in (e)(2)(C)(ii); deleted (j); and made stylistic changes.

The 2017 amendment by No. 613 rewrote (e)(2)(A); inserted “under this subchapter” in (e)(2)(B)(i); and deleted (j).

The 2017 amendment by No. 1008, in (e)(1)(C)(i), inserted “first-time”, substituted “college or university transcript if the first-time recipient has earned any semester credit hours” for “transcript”, and substituted “a date determined by the department prior to the academic year for which the first-time recipient will receive an initial scholarship award” for “June 1 each year” at the end.

The 2017 amendment by No. 1041, in (e)(1)(D)(i), added “An applicant may elect for” at the beginning and substituted “to be only those” for “are those”; added “If an applicant makes the election under subdivision (e)(1)(D)(i) of this section” at the beginning of (e)(1)(D)(ii); and made stylistic changes.

The 2018 amendment substituted “fifteen million dollars (\$15,000,000)” for “twelve million dollars (\$12,000,000)” in (e)(2)(A).

The 2019 amendment by No. 549 substituted “applicants’ ACT superscore or ACT-equivalent superscore” for “applicants’ highest ACT or ACT-equivalent scores” in (i)(3)(A).

The 2019 amendment by No. 834 deleted “if the recipient is enrolled in the number of credit hours necessary to complete the recipient’s degree program” at the end of (e)(1)(A)(iv)(c)(I).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" throughout the section; and substituted "Adult Education Section of the Division of Workforce Services" for "Department of Career Education" in (e)(1)(D)(i) and (e)(1)(D)(ii).

The 2021 amendment deleted former (c) and redesignated the remaining subsections accordingly; substituted "Subject to the availability of net revenue" for "Beginning with the 2016-2017 academic year" at the beginning of (d); deleted (d)(1)(B) and redesignated the remaining subdivisions accordingly; deleted "beginning with the 2017-2018 academic year" following "students" in (d)(2)(A); substituted "the Lottery Scholarship Trust Account" for "a

trust account" in (d)(2)(B)(ii); deleted "and current achiever students" preceding "is" in the introductory language of (d)(2)(C); added "Subject to the availability of net revenue" in (d)(3) and (4); and updated internal references and made stylistic changes.

Effective Dates. Acts 2015, No. 1105, § 8: July 1, 2016. Effective date clause provided: "Sections 1 through 5 of this act are effective on July 1, 2016."

The amendment to subsection (i) of this section by Acts 2015, No. 1105, § 6 is effective April 6, 2015, pursuant to § 9 of Act 1105. The amendments to subsection (e) of this section by Act 1105, §§ 4, 5 are effective July 1, 2016, pursuant to § 8 of Act 1105.

6-85-213. Nursing school eligibility.

(a)(1) The General Assembly recognizes that the State of Arkansas is experiencing a critical shortage of nurses.

(2) It is the intent of this section to allow the Division of Higher Education the opportunity, under specific circumstances, to include an approved school of nursing that would not otherwise be an approved institution of higher education in the Arkansas Academic Challenge Scholarship Program.

(b) The division shall make awards to applicants attending an approved school of nursing under this section if the recipient meets continuing eligibility requirements in § 6-85-210.

(c) The division shall pay scholarship awards under this section only from nonlottery state educational resources.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2009, No. 1405, § 23; 2019, No. 910, § 2182; 2021, No. 636, § 1.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a)(2); and substituted "division" for "department" in (b) and (c).

The 2021 amendment made no changes to this section.

6-85-214. Accountability — Transparency — Legislative oversight.

(a) The General Assembly finds that:

(1) The continual evaluation of the Arkansas Academic Challenge Scholarship Program and of all state-supported scholarship and grant programs by the General Assembly is critical for maximizing the benefits to the state and its citizens of state financial aid for higher education and meeting state objectives for higher education; and

(2) Accountability and transparency in the implementation of state-supported scholarship programs are fundamental to a proper evaluation of the programs.

(b) The General Assembly finds that the collection of data and the reports required under §§ 6-85-216 — 6-85-220 and § 6-60-901 et seq. are necessary to ensure accountability and transparency.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2013, No. 1173, § 10; 2021, No. 636, § 1. **Amendments.** The 2021 amendment made no changes to this section.

6-85-216. Institution report to Division of Higher Education.

(a)(1)(A) An approved institution of higher education that enrolls students receiving scholarships under this subchapter annually shall provide information and semiannually shall provide updated information to the Division of Higher Education regarding all state-supported student financial assistance, whether or not the state-supported student financial assistance is awarded under this subchapter.

(B) An approved institution of higher education is not required to provide the information described in subdivision (a)(1)(A) of this section to the division if the information has previously been reported to the division through the Arkansas Higher Education Information System or the state financial aid information system.

(2) The information described in subdivision (a)(1)(A) of this section shall be provided in the form of individual student records and shall include without limitation information regarding:

(A) The criteria for determining eligibility for scholarships under this subchapter;

(B) Demographic student data; and

(C) Disaggregated data on remedial courses.

(3)(A) An approved institution of higher education shall undertake the procedures necessary to ensure the collection and reporting of student information under this section.

(B) An approved institution of higher education may lose its approved status for receiving scholarship funds on behalf of a recipient under this subchapter if it fails to make a good-faith effort to comply with this section.

(C) In addition to the provisions of subdivision (a)(3)(B) of this section, an institution of higher education that does not comply with this section shall not be eligible to accept state aid from the Higher Education Grants Fund Account on behalf of a student.

(b) The division shall establish by rule the:

(1) Specific data required;

(2) Manner of reporting the information required; and

(3) Technology or software required for reporting.

(c) The division shall use the information provided under this section to conduct the research and analysis needed to support the annual report of the Director of the Division of Higher Education to the Legislative Council under § 6-85-205.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2013, No. 1173, § 12; 2015, No. 218, § 11; 2015, No. 1258, § 10; 2019, No. 910, § 2183; 2021, No. 80, § 3; 2021, No. 636, § 1.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: “LEGISLATIVE FINDINGS. The General Assembly finds:

“(1) Amendment 92 to the Arkansas Constitution states in part: ‘The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section’;

“(2) As Amendment 92 does not define the term ‘state agency’, the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

“(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of ‘state agency’ ap-

plied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

Publisher’s Notes. Acts 2015, No. 1258, § 10 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2019 amendment substituted “division” for “department” in the section heading, in the introductory language of (b), and in (c); and substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1) and (c).

The 2021 amendment by No. 80 added (a)(1)(B), and redesignated former (a)(1) as (a)(1)(A); inserted “shall” following “semiannually” in (a)(1)(A); inserted “described in subdivision (a)(1)(A) of this section” in (a)(2); substituted “The criteria for determining eligibility for scholarships under this subchapter” for “State-supported student financial assistance” in (a)(2)(A); and made a stylistic change.

The 2021 amendment by No. 636 substituted “Division of Higher Education” for “the division” in the section heading.

6-85-217. Information provided to Bureau of Legislative Research by Division of Higher Education.

The Division of Higher Education shall provide the following data to the Bureau of Legislative Research through the Arkansas Higher Education Information System under § 6-60-901 et seq., for the purpose of assisting the General Assembly with evaluation and analysis under this subchapter:

- (1) Existing individual student data;
- (2) Institutional data;
- (3) Financial data;
- (4) Aggregate student scholarship and grant application and award data;
- (5) Remedial course data; and
- (6) Other data needed to track scholarship and grant students receiving state-supported student financial assistance from year to year.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2010, No. 265, §§ 15, 16; 2010, No. 294, §§ 15, 16; 2011, No. 207, § 17; 2013, No. 1173, § 13; 2019, No. 910, § 2184; 2021, No. 636, § 1.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education" in the section heading and in the introductory language.

The 2021 amendment made stylistic changes in the section heading.

6-85-219. Reports to legislative committees.

(a)(1) Annually by November 1, the Division of Higher Education shall report to the Legislative Council in the manner and format that the Legislative Council requires on all state-supported student financial assistance awarded by the division and awarded by approved institutions of higher education.

(2) The information provided shall include without limitation:

(A) Current year expenditures for scholarships and grants under the Arkansas Academic Challenge Scholarship Program;

(B) Projected obligations for succeeding years from each scholarship or grant funding source;

(C) Fund balances for the:

(i) Higher Education Grants Fund Account; and

(ii) Trust accounts maintained by the Director of the Division of Higher Education to hold the net proceeds from the state lottery;

(D) An evaluation of whether the net proceeds from the state lottery available for the program supplement and do not supplant nonlottery state educational resources; and

(E) Other information that the Legislative Council or the General Assembly requests.

(b) Annually by December 1, the division shall report to the Legislative Council its recommendations for changes to the program, including without limitation:

(1) Adjustments to the eligibility requirements of the program; and

(2) Increases or decreases in the amounts awarded for a scholarship under the program based on the amount of net proceeds from the state lottery available.

(c) Annually by December 31, the division shall report to the Legislative Council summary-level data, in accordance with § 6-85-216, on recipients of scholarships under this subchapter.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2013, No. 1173, § 14; 2013, No. 1269, § 1; 2015, No. 218, § 12; 2015, No. 1258, § 11; 2017, No. 868, § 1; 2019, No. 910, § 2185; 2021, No. 80, § 4; 2021, No. 636, § 1.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: "LEGISLATIVE FINDINGS. The General Assembly finds:

"(1) Amendment 92 to the Arkansas Constitution states in part: 'The General Assembly may provide by law for the

review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section';

"(2) As Amendment 92 does not define the term 'state agency', the General As-

sembly may establish a definition by law as part of its implementation of Amendment 92;

“(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of ‘state agency’ applied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

Publisher’s Notes. Acts 2015, No. 1258, § 11 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2017 amendment substituted “November” for “August” in (a)(1).

The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a)(1) and (a)(2)(C)(ii); and substituted “division” for “department” in (a)(1) and the introductory language of (b) and (c).

The 2021 amendment by No. 80, in (c), substituted “summary-level data, in accordance with § 6-85-216, on recipients of scholarships under this subchapter” for “the following information on recipients of the Arkansas Academic Challenge Scholarship Program — Part 2 who applied as of June 1” and deleted former (c)(1)-(4).

The 2021 amendment by No. 636 deleted “Part 2” following “Arkansas Academic Challenge Scholarship Program” in (a)(2)(A); and substituted “program” for “Arkansas Academic Challenge Scholarship Program – Part 2” in (c).

6-85-220. Legislative Council — Annual report.

(a) The Legislative Council shall:

(1) Oversee the development and implementation of Arkansas Code requirements with regard to the Arkansas Academic Challenge Scholarship Program;

(2) Review whether and how the use of net state lottery proceeds helps to accomplish state objectives for higher education;

(3) Review the ongoing data collection, research, and evaluation of the program;

(4) Review the annual report of the Division of Higher Education under § 6-85-219;

(5) Review and recommend changes to the:

(A) Number of awards for each scholarship and grant;

(B) Award levels;

(C) Eligibility requirements; and

(D) Overall administration of the program; and

(6) Review and recommend policies for scholarships and grants funded with nonlottery state educational resources, including without limitation ways to ensure that net proceeds from the state lottery are used to supplement and not supplant nonlottery state educational resources.

(b) Annually by December 15, the Legislative Council shall report its findings and recommendations to the:

(1) Office of the Arkansas Lottery;

(2) President Pro Tempore of the Senate;

(3) Speaker of the House of Representatives;

(4) Governor;

- (5) House Committee on Education; and
- (6) Senate Committee on Education.

History. Acts 2009, No. 605, § 4; 2009, No. 606, § 4; 2011, No. 207, § 18; 2015, No. 218, § 12; 2015, No. 1258, § 11; 2019, No. 910, § 2186; 2021, No. 636, § 1.

A.C.R.C. Notes. Acts 2015, No. 1258, § 1, provided: “LEGISLATIVE FINDINGS. The General Assembly finds:

“(1) Amendment 92 to the Arkansas Constitution states in part: ‘The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section’;

“(2) As Amendment 92 does not define the term ‘state agency’, the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

“(3) The General Assembly at this time wishes to exclude the Arkansas State

Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of ‘state agency’ applied to the implementation of Amendment 92; and

“(4) The General Assembly or the Legislative Council reserve the right to amend the definition of ‘state agency’ in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.”

Publisher’s Notes. Acts 2015, No. 1258, § 11 specifically amended this section as amended by Acts 2015, No. 218.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a)(4).

The 2021 amendment deleted “Director of the” preceding “Division of Higher Education” in (a)(4); and added the designations within (b).

6-85-221. Scholarship hold — Leave of absence.

(a) The Division of Higher Education may approve a scholarship hold or a leave of absence for a traditional student for a period of twenty-four (24) months or less.

(b) The reasons for a scholarship hold or a leave of absence may include without limitation:

(1) A medical condition of the student or a member of the student’s immediate family that, on the basis of a physician’s good-faith judgment, necessitates the student or the student’s immediate family member to be hospitalized or receive outpatient or home-based medical care or to recuperate until released by the attending physician;

(2) A personal or family emergency that requires the student to:

(A) Attend the funeral of an immediate family member; or

(B) Visit a relative of the student if the relative has a medical condition in which death is possible or imminent;

(3) Military service under § 6-61-112; or

(4)(A) A commitment of twelve (12) to twenty-four (24) months for service in a national or international humanitarian project sponsored by a nonprofit corporation organized with a charitable or educational purpose.

- (B) The student’s commitment shall be expressed in a written agreement with the nonprofit organization including the terms of completion for the student’s service on the related project.
- (C) The division shall release a scholarship hold or a leave of absence, whichever is applicable, if the division determines that the student did not complete the commitment under the written agreement.

History. Acts 2011, No. 207, § 19; 2019, No. 910, §§ 2187, 2188; 2021, No. 636, § 1.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” in (a); and substituted “division” for “department” twice in (b)(4)(C).

The 2021 amendment added “Leave of absence” in the section heading; inserted “or a leave of absence” in (a) and the introductory language of (b); and inserted “or a leave of absence, whichever is applicable” in (b)(4)(C).

SUBCHAPTER 3 — ARKANSAS WORKFORCE CHALLENGE SCHOLARSHIP PROGRAM

SECTION.
6-85-301. Creation.
6-85-302. Definitions.
6-85-303. Funding.
6-85-304. Eligibility.
6-85-305. Distribution — Award amounts.

SECTION.
6-85-306. Agreements between institutions.
6-85-307. Rules.

Effective Dates. Acts 2017, No. 613, § 7; Mar. 23, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this state is in need of a more educated and skilled workforce; that the Arkansas Workforce Challenge Scholarships available under this act will allow more Arkansans to pursue higher education in order to obtain a skill or better education that will lead to employment in a high-needs occupation in Arkansas; and that this act is immediately necessary to allow the funding to be in place so that Arkansas Workforce Challenge Scholarships can be awarded to Arkansans as soon as possible. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto

the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health,

and safety shall become effective on July 1, 2019.”

Acts 2021, No. 636, § 11: Apr. 12, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is imperative to ensure existing scholarships can be funded with current available funds; that it is necessary to determine whether enacting a new scholarship is fiscally prudent; and that this act is immediately necessary in order to review each bill that creates or amends a lottery-funded scholarship in light of existing scholarships

and available funds to ensure financial solvency of the lottery. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-85-301. Creation.

There is created the Arkansas Workforce Challenge Scholarship Program.

History. Acts 2017, No. 613, § 3.

6-85-302. Definitions.

As used in this subchapter:

(1) “Approved institution of higher education” means an institution of higher education approved by the Division of Higher Education to participate in the Arkansas Workforce Challenge Scholarship Program and that is:

(A) A state-supported two-year or four-year college or university; or

(B) A private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds; and

(2)(A) “Certificate program” means a program that is offered or made available to a student by an approved institution of higher education that leads to the obtainment of a certification or license, including without limitation a program operated or sponsored by a third party.

(B) The credit hours or contact hours awarded for a certificate program may include credit hours or contact hours that are not creditable toward an associate or a baccalaureate degree.

History. Acts 2017, No. 613, § 3; 2019, No. 910, § 2189.

Amendments. The 2019 amendment

substituted “Division of Higher Education” for “Department of Higher Education” in the introductory language of (1).

6-85-303. Funding.

(a) For an academic year, the following shall be used to fund Arkansas Workforce Challenge Scholarships under this subchapter:

(1) Excess funding returned to the Office of the Arkansas Lottery under § 6-85-212(d)(2)(B)(i) from the previous academic year; and

(2) Net proceeds remaining from the previous academic year after the office:

(A) Transfers the funds requested by the Division of Higher Education under § 23-115-801(c)(2); and

(B) Deposits the amount necessary to maintain the Scholarship Shortfall Reserve Trust Account under § 23-115-802 in an amount equal to twenty million dollars (\$20,000,000).

(b)(1) A scholarship under this subchapter shall not be awarded for an academic year if:

(A) Less than two hundred fifty thousand dollars (\$250,000) is available under subsection (a) of this section; or

(B) The division received a loan from the account under § 23-115-802 for the Arkansas Academic Challenge Scholarship Program, § 6-85-201 et seq., for the previous academic year.

(2) Any funds under subsection (a) of this section that are not disbursed for scholarships under this subchapter shall be carried over to the next academic year to be used for scholarships under this subchapter.

History. Acts 2017, No. 613, § 3; 2019, No. 910, §§ 2190, 2191; 2021, No. 636, § 2.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Educa-

tion” in (a)(2)(A); and substituted “division” for “department” in (b)(1)(B).

The 2021 amendment substituted “§ 6-85-212(d)(2)(B)(i)” for “§ 6-85-212(e)(2)(B)(i)” in (a)(1).

6-85-304. Eligibility.

(a) A student is eligible to receive an Arkansas Workforce Challenge Scholarship for an academic year if the student applies to the Division of Higher Education by a date determined by the Division of Higher Education preceding the academic year and:

(1) Is an Arkansas resident or, if the student is less than twenty-one (21) years of age, either the student or one (1) parent of the student is an Arkansas resident;

(2) Meets either of the following requirements:

(A) Graduated from a:

(i) Public high school in Arkansas or another state;

(ii) Private high school in Arkansas or another state; or

(iii) Home school under § 6-15-501 et seq. or recognized by another state; or

(B) Received a high school equivalency diploma approved by the Adult Education Section or another state;

(3) Is not receiving a scholarship under the Arkansas Academic Challenge Scholarship Program, § 6-85-201 et seq.;

(4) Is accepted for admission in a program of study at an approved institution of higher education that leads to an associate degree or a certificate program in one (1) of the following high-demand fields:

(b) Textbooks or other course materials; and

(c) Equipment needed for a course.

(3) The scholarship awards may be used for expenses included in the cost of the certificate program or program of study.

(4) A scholarship under this section shall be only for the academic year for which it is awarded.

(c)(1) If the division has funds remaining after making the distributions under subsection (b) of this section, the division shall distribute scholarships to students for the summer term of the academic year.

(2) If funds are available under subdivision (c)(1) of this section, a student shall apply for a scholarship for a summer term by a date determined by the division preceding the summer term.

(3)(A) The division shall distribute scholarships for a summer term in the same manner as under subsection (b) of this section.

(B) Scholarships for a summer term may be used in the same manner as under subsection (b) of this section.

(4) A student who received a scholarship under subsection (b) of this section may also receive a scholarship for a summer term.

(d) The division shall disburse scholarship awards on behalf of an eligible student directly to the approved institution of higher education.

History. Acts 2017, No. 613, § 3; 2019, No. 910, § 2192.

Amendments. The 2019 amendment substituted "Division of Higher Educa-

tion" for "Department of Higher Education" in (a); and substituted "division" for "department" throughout the section.

6-85-306. Agreements between institutions.

An approved institution of higher education may enter into agreements with other institutions of higher education, including without limitation technical institutes, to allow students enrolled in the approved institution of higher education under this subchapter to take courses at the other institutions of higher education.

History. Acts 2017, No. 613, § 3; 2019, No. 692, § 15.

Amendments. The 2019 amendment substituted "subchapter" for "section".

6-85-307. Rules.

The Division of Higher Education shall promulgate rules to implement this subchapter.

History. Acts 2017, No. 613, § 3; 2019, No. 910, § 2193.

Amendments. The 2019 amendment

substituted "Division of Higher Education" for "Department of Higher Education".

SUBCHAPTER 4 — ARKANSAS CONCURRENT CHALLENGE SCHOLARSHIP PROGRAM

SECTION.

6-85-401. Creation.

SECTION.

6-85-402. Definitions.

SECTION.

6-85-403. Eligibility.

6-85-404. Funding.

6-85-405. Distribution — Award
amounts.

SECTION.

6-85-406. Rules.

6-85-401. Creation.

There is created the Arkansas Concurrent Challenge Scholarship Program.

History. Acts 2019, No. 456, § 1.

6-85-402. Definitions.

As used in this subchapter:

(1) "Approved institution of higher education" means an institution of higher education that:

(A) Is approved by the Division of Higher Education to participate in the Arkansas Concurrent Challenge Scholarship Program;

(B) Offers at least a fifty-percent discount on the tuition and mandatory fees of an endorsed concurrent enrollment course or certificate program to a student who is enrolled in an endorsed concurrent enrollment course or certificate program, unless other opportunities are provided that lower the tuition and mandatory fees below fifty percent (50%); and

(C) Is a:

(i) State-supported two-year or four-year college or university; or

(ii) Private, nonprofit two-year or four-year college or university that has its primary headquarters located in Arkansas and that is eligible to receive Title IV federal student aid funds;

(2)(A) "Certificate program" means a program that is offered or made available to a student by an approved institution of higher education that leads to the obtainment of a certification or license.

(B) "Certificate program" does not include a program that is operated or sponsored by a third party;

(3)(A) "Endorsed concurrent enrollment course" means the same as defined in § 6-16-1202.

(B) "Endorsed concurrent enrollment course" does not include a program that is operated or sponsored by a third party; and

(4) "Student" means a person who has junior or senior status and who is enrolled at a:

(A) Public high school in Arkansas;

(B) Private high school in Arkansas; or

(C) Home school, as defined in § 6-15-501.

History. Acts 2019, No. 456, § 1.

6-85-403. Eligibility.

(a) A student is eligible to receive an Arkansas Concurrent Challenge Scholarship under this subchapter for an academic semester or academic year during which the student is enrolled in an endorsed concurrent enrollment course or certificate program if the student:

(1) Is an Arkansas resident or, if the student is less than twenty-one (21) years of age, either the student or one (1) parent of the student is an Arkansas resident; and

(2)(A) Submits a student success plan as described under § 6-15-2911(b).

(B) The student success plan required under subdivision (a)(2)(A) of this section for a student who is enrolled in an endorsed concurrent enrollment course or certificate program shall:

(i) Be prepared in consultation with:

(a) School personnel, the student, and the student's parent or legal guardian; or

(b) A college advisor; and

(ii) Include:

(a) An endorsed concurrent enrollment course or certificate program that is relevant to the student's success plan; and

(b) Measures that ensure the successful completion of the endorsed concurrent enrollment course or certificate program in which the student is enrolled.

(b)(1) A student successfully completes an endorsed concurrent enrollment course or a course taken towards the completion of a certificate program under this subchapter if he or she completes the course or program and receives a minimum grade point average of 2.5.

(2)(A) A student who fails to successfully complete an endorsed concurrent enrollment course or a course taken towards the completion of a certificate program under this subchapter shall:

(i) Retain eligibility for a scholarship under this subchapter; and

(ii) Enroll in no more than one (1) endorsed concurrent enrollment course or course required for the completion of a certificate program for the first semester following the semester in which the student failed to successfully complete an endorsed concurrent enrollment course or course taken towards the completion of a certificate program.

(B) However, if a student fails an endorsed concurrent enrollment course or a course taken towards the completion of a certificate program under this subchapter a second time, the student shall be ineligible to reapply for a scholarship under this subchapter.

(c) A student whose enrollment in a vocational center is reimbursable under § 6-51-305 is not eligible for a scholarship under this subchapter.

History. Acts 2019, No. 456, § 1; 2021, No. 82, § 1.

substituted "grade point average of 2.5" for "letter grade of 'C' or the equivalent" in

Amendments. The 2021 amendment

(b)(1); and, in (b)(2)(A)(ii), substituted "no

more than" for "only", inserted "first", and deleted "immediately" preceding "following".

6-85-404. Funding.

(a) For an academic year, Arkansas Concurrent Challenge Scholarships under this subchapter shall be funded with any funds remaining after the Division of Higher Education allocates sufficient funding to award Arkansas Workforce Challenge Scholarships under § 6-85-301 et seq., at a level equivalent to the awards made in the previous academic year.

(b)(1) A scholarship under this subchapter shall not be awarded for an academic year if:

(A) Less than two hundred fifty thousand dollars (\$250,000) is available under subsection (a) of this section; or

(B) The division received a loan from the Scholarship Shortfall Reserve Trust Account under § 23-115-802 for the Arkansas Academic Challenge Scholarship Program, § 6-85-201 et seq., for the previous academic year.

(2) Any funds under subsection (a) of this section that are not disbursed for scholarships under this subchapter shall be carried over to the next academic year to be used for scholarships under this subchapter.

History. Acts 2019, No. 456, § 1.

6-85-405. Distribution — Award amounts.

(a) If funds are available, the Division of Higher Education shall award Arkansas Concurrent Challenge Scholarships to all students who meet the requirements under this subchapter.

(b)(1) The division shall distribute scholarships from the funds available in an equal amount to every approved institution of higher education that has enrolled a student eligible to receive a scholarship under this subchapter.

(2) The maximum scholarship award a student may receive in an academic year shall be the lesser of:

(A)(i) Five hundred dollars (\$500).

(ii) A scholarship awarded to a student who is eligible under § 6-85-403 shall be awarded in the amount of one hundred twenty-five dollars (\$125) for each endorsed concurrent enrollment credit course or certificate program in which the eligible student is enrolled, up to two (2) endorsed concurrent enrollment credit courses or certificate programs per semester; or

(B) The tuition and mandatory fees of the endorsed concurrent credit course or certificate program.

(3) A scholarship granted under this section may be awarded in addition to any funds received for the enrollment in an endorsed concurrent enrollment course under § 6-16-1204(e)(3).

(4) Unless a student’s high school or community-based program provides financial assistance for the cost of tuition and mandatory fees for an endorsed concurrent enrollment course or certificate program, the remaining cost of tuition and mandatory fees for an endorsed concurrent enrollment course or certificate program is the responsibility of the eligible student who is enrolled in the endorsed concurrent enrollment course or certificate program.

History. Acts 2019, No. 456, § 1.

6-85-406. Rules.

The Division of Higher Education shall promulgate rules to implement this subchapter.

History. Acts 2019, No. 456, § 1.

SUBCHAPTER 5 — PROCEDURAL REQUIREMENTS FOR CREATING OR AMENDING LOTTERY-FUNDED SCHOLARSHIPS

SECTION.

6-85-501. Introduction of bills.
6-85-502. Lottery fiscal impact statements — Required form.

SECTION.

6-85-503. Consideration of bills.

Effective Dates. Acts 2021, No. 636, § 10, provided: “The requirement under § 6-85-501 of this act that the following bills be introduced in the General Assembly during the first thirty-one (31) calendar days of a regular session shall take effect on and after July 1, 2021: (1) A bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable; and (2) A bill that affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable.”

Acts 2021, No. 636, § 11: Apr. 12, 2021. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is imperative to ensure existing scholarships can be funded with current available funds; that

it is necessary to determine whether enacting a new scholarship is fiscally prudent; and that this act is immediately necessary in order to review each bill that creates or amends a lottery-funded scholarship in light of existing scholarships and available funds to ensure financial solvency of the lottery. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-85-501. Introduction of bills.

(a) The following proposed legislation to be considered by the General Assembly at a regular session shall be introduced in the General

Assembly during the first thirty-one (31) calendar days of a regular session:

(1) A bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable; and

(2) A bill that affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable.

(b)(1) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be introduced after the thirty-first day of a regular session unless its introduction is first approved by a three-fourths vote of the full membership of each chamber of the General Assembly.

(2) If the General Assembly recesses for longer than three (3) consecutive days during the first thirty-one (31) days of a regular session, the deadline imposed under this section shall be extended for a time period equal to the recess.

(c) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be introduced or considered at a special session or fiscal session of the General Assembly unless the introduction or consideration of the bill is first approved by a two-thirds vote of the full membership of each chamber of the General Assembly.

History. Acts 2021, No. 636, § 3.

6-85-502. Lottery fiscal impact statements — Required form.

(a) Any bill filed with the Senate or the House of Representatives that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall:

(1)(A) Have a lottery fiscal impact statement attached to it.

(B) A bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be taken up by the House Committee on Education and the Senate Committee on Education, meeting jointly, until a lottery fiscal impact statement is attached; and

(2) Not take effect until at least one (1) year immediately following the year in which the scholarship was enacted.

(b) The lottery fiscal impact of a bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall be determined as follows:

(1) The amount of net proceeds from the state lottery during each of the last four (4) years immediately preceding the year in which the proposed bill is being considered, listed separately;

(2) The total amount of additional revenue that is not net proceeds from the state lottery that is available, if any, to use as additional funding for scholarships;

(3) The amount of net proceeds necessary to fund scholarships under the Arkansas Academic Challenge Scholarship Program, § 6-85-201 et seq., during each of the last four (4) years immediately preceding the year in which the proposed bill is being considered, listed separately;

(4) The amount of net proceeds necessary to fund scholarships under the Arkansas Workforce Challenge Scholarship Program, § 6-85-301 et seq., during each of the last four (4) years immediately preceding the year in which the proposed bill is being considered, listed separately;

(5) The amount of net proceeds that was necessary to fund scholarships under the Arkansas Concurrent Challenge Scholarship Program, § 6-85-401 et seq., during each of the last four (4) years immediately preceding the year in which the proposed bill is being considered, listed separately;

(6) The amount of net proceeds necessary to fund any other scholarships funded with net proceeds from the state lottery, if any, during each of the last four (4) years, or number of years available, immediately preceding the year in which the proposed bill is being considered, listed separately;

(7) The year with the lowest amount of net proceeds from the state lottery, as determined under subdivision (b)(1) of this section, shall be compared with each of the following, listed separately:

(A) The year with the highest amount of net proceeds necessary to fund scholarships under the Arkansas Academic Challenge Scholarship Program, § 6-85-201 et seq., as determined under subdivision (b)(3) of this section;

(B) The year with the highest amount of net proceeds necessary to fund scholarships under the Arkansas Workforce Challenge Scholarship Program, § 6-85-301 et seq., as determined under subdivision (b)(4) of this section;

(C) The year with the highest amount of net proceeds necessary to fund scholarships under the Arkansas Concurrent Challenge Scholarship Program, § 6-85-401 et seq., as determined under subdivision (b)(5) of this section; and

(D) The year with the highest amount of net proceeds necessary to fund any other scholarships funded with net proceeds from the state

lottery, if any, as determined under subdivision (b)(6) of this section; and

(8) The highest estimated cost necessary to fund a new scholarship to be funded with net proceeds from the state lottery or an existing scholarship that is funded with net proceeds from the state lottery.

(c) In addition to the information required under subsection (b) of this section, the final lottery fiscal impact of the new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall include and be calculated as follows:

(1) Add the amount of net proceeds from the year with the lowest amount of net proceeds from the state lottery as determined under subdivision (b)(1) of this section to the total amount of additional revenue available, if any, under subdivision (b)(2) of this section;

(2) Add the amount determined under subdivision (b)(8) of this section to each of the amounts determined under:

(A) Subdivision (b)(7)(A) of this section;

(B) Subdivision (b)(7)(B) of this section;

(C) Subdivision (b)(7)(C) of this section; and

(D) Subdivision (b)(7)(D) of this section, if any; and

(3) Subtract the total amount determined under subdivision (c)(2) of this section from the total amount determined under subdivision (c)(1) of this section.

(d)(1)(A) If the final lottery fiscal impact as determined under subdivision (c)(3) of this section results in a positive number, the House Committee on Education and the Senate Committee on Education, meeting jointly during a regular session, special session, or fiscal session, as applicable, may refer a bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or amending an existing scholarship funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, to either chamber of the General Assembly for consideration.

(B) The referral of a bill under subdivision (d)(1)(A) of this section shall require approval by a separate vote of House Committee on Education members and Senate Committee on Education members, meeting jointly during a regular session, special session, or fiscal session, as applicable.

(2) If the final lottery fiscal impact as determined under subdivision (c)(3) of this section results in a negative number, the House Committee on Education and the Senate Committee on Education, meeting jointly during a regular session, special session, or fiscal session, as applicable, shall not refer the bill to either chamber of the General Assembly for consideration unless:

(A) The bill is amended to ensure the final lottery fiscal impact results in a positive number; or

(B) Additional funding is provided through the General Revenue Fund Account.

(e) The lottery fiscal impact statement shall be substantially in the following form:

Lottery Fiscal Impact Statement

I. Net proceeds from the state lottery for the 4 immediately preceding years:

Year:	Net Proceeds Amount:
_____	_____
_____	_____
_____	_____

II. Total amount of additional revenue available, if any:

Source:	Amount:
_____	_____
_____	_____
_____	_____

III. Net proceeds used to fund the following during the 4 immediately preceding years:

ACADEMIC CHALLENGE SCHOLARSHIP:

Year:	Net Proceeds Used:
_____	_____
_____	_____
_____	_____

CONCURRENT CHALLENGE SCHOLARSHIP:

Year:	Net Proceeds Used:
_____	_____
_____	_____
_____	_____

WORKFORCE CHALLENGE SCHOLARSHIP:

Year:	Net Proceeds Used:
_____	_____
_____	_____
_____	_____

OTHER SCHOLARSHIPS, IF ANY:

Year:	Net Proceeds Used:
_____	_____
_____	_____
_____	_____

AMOUNT USED TO FUND NURSING SCHOOL SCHOLARSHIPS*:

Year:	Net Proceeds Used:	*Scholarship awards paid to recipients attending approved schools of nursing are funded only from nonlottery state educational resources as set forth under Arkansas Code § 6-85-213.
_____	_____	
_____	_____	
_____	_____	

IV. Comparison of information from Parts I and III:

Amount from
year with the
highest amount
of net proceeds
used to fund
Academic Chal-
lenge Scholar-
ships

Amount from
year with the
highest amount
of net proceeds
used to fund
Workforce
Challenge
Scholarships

Amount from year with the low-
est amount of net proceeds as de-
termined under Section I

Amount from
year with the
highest amount
of net proceeds
used to fund
Concurrent
Challenge
Scholarships

Amount from
year with the
highest amount
of net proceeds
used to fund
other scholar-
ships, if any,
other than
nursing schol-
arships under
Arkansas Code
§ 6-85-213

V. Highest estimated cost necessary to fund a new or amended scholarship:

VI. Final lottery fiscal impact amount:

Step 1:

Amount from year with the lowest amount of net proceeds determined under Section I	+	Total amount of additional revenue available, if any, determined under Section II	= _____
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Step 2:

Highest estimated cost necessary to fund the new or determined under Section V	+	Total amount from years with the highest amount of net proceeds used to fund Academic Challenge, Workforce Challenge, Concurrent Challenge, nursing school scholarships, and other scholarships, if any, as determined under Section III	= _____
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Step 3:

Amount determined under Step 1	-	Amount determined under Step 2	= _____
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Step 4:

(a) If the amount determined under Step 3 results in a positive number, the proposed new scholarship or amendment to an existing scholarship may be considered as set forth under Arkansas Code § 6-85-502(d)(1).

(b) If the amount determined under Step 3 results in a negative number, the proposed new scholarship or amendment to an existing scholarship should not be considered unless requirements are met as set forth under Arkansas Code § 6-85-502(d)(2).

History. Acts 2021, No. 636, § 3.

6-85-503. Consideration of bills.

(a) The House Committee on Education and the Senate Committee on Education shall meet jointly during a regular session, special session, or fiscal session, as applicable, to consider any bill:

(1) Creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable; or

(2) Affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable.

(b) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be recommended to either chamber of the General Assembly except upon the affirmative vote of a majority of the members of the following, meeting jointly during a regular session, special session, or fiscal session, as applicable:

(1) House Committee on Education; and

(2) Senate Committee on Education.

(c) A lottery fiscal impact statement prepared for a bill as required under § 6-85-502 shall be amended each time the House Committee on Education and the Senate Committee on Education recommend to either chamber of the General Assembly a bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, in order to account for the updated lottery fiscal impact, if any, the bill that proposes a new scholarship or amends an existing scholarship will have.

History. Acts 2021, No. 636, § 3.

